

U.S. Congress

Congressional Record

PROCEEDINGS AND DEBATES

OF THE

FIRST SESSION OF THE
SIXTY-SIXTH CONGRESS

OF

THE UNITED STATES
OF AMERICA

VOLUME LVIII—PART 9

NOVEMBER 14 TO NOVEMBER 19, 1919

(Pages 8489-8824)

WITH

APPENDIX AND INDEX TO PARTS 1-9



WASHINGTON
GOVERNMENT PRINTING OFFICE
1919



Congressional Record.

PROCEEDINGS AND DEBATES OF THE SIXTY-SIXTH CONGRESS FIRST SESSION.

HOUSE OF REPRESENTATIVES.

FRIDAY, November 14, 1919.

The House met at 10 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, we deplore with all our heart the spirit of spite, hate, revenge, which is manifesting itself in many sections of our Union in defiance of law and order—illustrated in the most cold-blooded murder of four of our brave soldiers marching peacefully the streets of Centralia, Washington, Armistice Day.

This is but one instance of many acts which would tear down the American flag and plant in its stead the red rag of anarchy and bolshevism.

We most fervently pray that Thy Spirit may guide us to measures which shall rid this peaceful land of such outlaws. For Thine is the kingdom, and the power, and the glory, forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

POLICE OF THE DISTRICT OF COLUMBIA.

Mr. BLANTON. Mr. Speaker, I ask to be recognized to make a privileged motion.

The SPEAKER. What is the motion?

Mr. BLANTON. I ask that what is known as the police bill be taken from the Speaker's table, and that the House agree to the Senate amendments thereto.

Mr. CLARK of Missouri. Mr. Speaker, what bill is that?

The SPEAKER. The Chair does not think the gentleman from Texas is authorized to make that motion.

Mr. BLANTON. A parliamentary inquiry. Is not that a privileged motion?

The SPEAKER. The Chair thinks not. The gentleman from Michigan has charge of that bill, and the gentleman from Texas has no authority to make that motion.

Mr. BLANTON. Where a House bill, amended by the Senate, is on the Speaker's table, has not any Member of the House the right to ask that such Senate amendment be agreed to?

The SPEAKER. The Chair thinks not, unless he has a right to bring it up.

Mr. MAPES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9821) to amend an act entitled "An act relating to the Metropolitan police of the District of Columbia, approved February 28, 1901, and for other purposes," and that the House disagree to the Senate amendment and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the police bill, H. R. 9821, be taken from the Speaker's table, and that the House disagree to the Senate amendment and agree to the conference asked by the Senate.

Mr. BLANTON. Mr. Speaker, first I reserve the right to object, and then I move that the House concur in the Senate amendments.

The SPEAKER. The gentleman, of course, can not do that until the House has given consent for the consideration of the bill.

Mr. BLANTON. Mr. Speaker, reserving the right to object, I understand that if the request is granted the gentleman from Michigan is to give me five minutes.

Mr. MAPES. I have agreed that the gentleman may have five minutes, as far as I am concerned, if the request is granted, but I should like to propound a parliamentary inquiry. If the request is granted in the manner that I have asked, it would then be the duty of the Speaker to appoint conferees, would it not, immediately at the expiration of the five minutes?

The SPEAKER. It would not be possible under those circumstances to consider the motion which the gentleman from Texas [Mr. BLANTON] suggests.

Mr. SNELL. Mr. Speaker, reserving the right to object, I should like to ask the gentleman a question. While personally I shall not object, and I think the bill ought to go to conference, I am one of those who wish that the House may have an opportunity to express itself upon this strike proposition which, I understand, is in the Senate bill. I wish, if the conferees are appointed, that they would bring that matter back to the House and let the House express their opinion on it before they disagree to the Senate amendments.

Mr. MAPES. I will say to the gentleman from New York that the conferees have not had a meeting. The House conferees have not been appointed. This proposition has very wide scope, and I should not feel that I was justified in giving any assurance in regard to that proposition at this time.

Mr. BLANTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. The motion which is privileged above all others is to concur in the Senate amendments. Now, if the chairman of the committee fails to exercise his right to make that request, is it not in order then for any Member of the House to make that privileged motion?

The SPEAKER. The Chair does not feel called upon to answer such a general question.

Mr. BLANTON. If I am not out of order, Mr. Speaker, I desire to request the right that the House pass upon the question—

The SPEAKER. The Chair does not recognize the gentleman for that purpose. The Chair recognizes the gentleman from Michigan.

Mr. BLANTON. Of course, if that would be out of order, then the only thing I could do would be to stand by the agreement I made with the chairman of the committee that he will give me five minutes, and then make no objection.

The SPEAKER. Is there objection?

Mr. KING. I object.

Mr. CLARK of Missouri. What is it the gentleman objects to?

The SPEAKER. The request for unanimous consent. The Chair recognizes the gentleman from Wisconsin [Mr. Esch].

Mr. CAMPBELL of Kansas. I submit a report from the Committee on Rules.

The SPEAKER. The Chair recognizes the gentleman from Wisconsin [Mr. Esch].

Mr. BLANTON. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman can do that.

Mr. BLANTON. Because we want a quorum to discuss this rule—

The SPEAKER. The rule is not coming up. The gentleman from Wisconsin is recognized.

Mr. BLANTON. Then I withdraw the point of no quorum.

Mr. ESCH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the railroad bill—

Mr. CAMPBELL of Kansas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CAMPBELL of Kansas. The rule under which the railroad bill is being considered makes that bill privileged, except conference reports and privileged matters on the Speaker's table.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Kansas is propounding a parliamentary inquiry.

Mr. BLANTON. I make the point of order that we have no quorum present.

Mr. CAMPBELL of Kansas. But the gentleman can not take me off my feet while submitting a parliamentary inquiry.

The SPEAKER. The Chair thinks the gentleman can make a point of no quorum at any time. The Chair will count.

Mr. KING. Mr. Speaker—

The SPEAKER. There is no business in order while the Chair is counting for a quorum. The Chair thinks there is no quorum present.

Mr. SNELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Flood	Longworth	Riddick
Andrews, Md.	Focht	McAndrews	Riordan
Anthony	Fordney	McCulloch	Rodenberg
Ashbrook	Frear	McKenzie	Rowan
Begg	Freeman	McKeown	Rucker
Bell	Fuller, Ill.	McPherson	Sabath
Benham	Fuller, Mass.	Magee	Sanders, Ind.
Bland, Va.	Gallagher	Maher	Sanford
Boies	Gallivan	Major	Schall
Booher	Gandy	Mann, Ill.	Scully
Britton	Garner	Mason	Sherwood
Brumbaugh	Godwin, N. C.	Montague	Shreve
Cantrill	Good	Moon	Sinclair
Caraway	Goodall	Mooney	Slomp
Carew	Graham, Ill.	Moore, Pa.	Smith, Ill.
Carter	Griffin	Moore, Va.	Smith, N. Y.
Casey	Hamill	Moore, Ind.	Stephens, Miss
Clark, Fla.	Harrison	Mott	Stiness
Copley	Haskell	Mudd	Stoll
Costello	Hastings	Newton, Mo.	Sullivan
Currie, Mich.	Holland	Nicholls, S. C.	Taylor, Ark.
Curry, Calif.	Humphreys	Nichols, Mich.	Thomas
Davey	Ireland	O'Connor	Tincher
Davis, Minn.	Jacoway	Olney	Tinkham
Dent	Johnson, Ky.	Padgett	Vare
Donovan	Johnson, S. Dak.	Parker	Vestal
Dooling	Kelley, Mich.	Peters	Voigt
Doremus	Kennedy, Iowa	Phelan	Volstead
Drane	Kettner	Platt	Ward
Dunn	Kreider	Pou	Weaver
Eagle	Langley	Rainey, Ala.	Wilson, Ill.
Ellsworth	Lazaro	Rainey, Ill. T.	Woods, Va.
Fairfield	Lee, Calif.	Reber	Woodyard
Ferris	Lee, Ga.	Reed, W. Va.	
Fields		Rhodes	

The SPEAKER. On this roll call 290 Members answered to their names. A quorum is present.

Mr. ESCH. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. MAPES. Mr. Speaker, I renew my request for unanimous consent that the bill H. R. 9821 be taken from the Speaker's table, that the House disagree to the Senate amendment, and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the police salary bill be taken from the Speaker's table, that the Senate amendment be disagreed to, and agree to the conference asked. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, may I propound a parliamentary inquiry to the Speaker?

The SPEAKER. If it is a brief one.

Mr. BLANTON. Is there no way under our parliamentary procedure whereby the House can get an opportunity to say whether or not it concurs in the Senate amendment to this bill, so that if it does it can become a law immediately, and not have—

The SPEAKER. There is no way at present, because the bill has no privileged status.

Mr. BLANTON. But if it were not for the rule which is in force now it would be privileged.

The SPEAKER. It would not be privileged under the rule.

Mr. BLANTON. Whenever it is called up it will be privileged.

The SPEAKER. No; it would require a rule.

Mr. BLANTON. In order to make that parliamentary status in order?

The SPEAKER. It would not require a rule to make the bill in order at all. It is not privileged. Is there objection?

Mr. BLANTON. Reserving the right to object, I understand that the gentleman from Michigan has agreed to give me five minutes on the Myers proposition, and I would like to submit this as a parliamentary inquiry to the Speaker. If there should be no objection made to the gentleman's request for unanimous consent, and a point of order is made against the gentleman giving me five minutes, the Chair would have to sustain it, would he not?

The SPEAKER. Consent could be given subsequently.

Mr. BLANTON. With the understanding that the House will give me five minutes, I will not object.

Mr. MAPES. I agree to that.

The SPEAKER. Is there objection to the request, subject to the condition that the gentleman from Texas shall speak for five minutes? [After a pause.] The Chair hears none. The Chair announces the following conferees.

The Clerk read as follows:

Mr. MAPES, Mr. GOULD, and Mr. WOODS of Virginia.

The SPEAKER. The gentleman from Texas.

Mr. BLANTON. Mr. Speaker, there is one method by which this police bill could become a law to-day. Had the chairman of the committee merely requested that the bill be taken from the Speaker's table and had that been agreed to, then if he had exercised his prerogative of moving that the House concur in the Senate amendment, and the House had agreed to it, it could have become a law to-day with the President's signature, had the President been willing to sign it. But that method was not adopted. Who is standing in the way of the police bill becoming a law? I am not. I would like to see the Senate amendment adopted, and I would like to see the President sign the bill to-day, and I would like to see the bill become a law to-day. Then what are the obstacles thrown in the way here? There is just one reason, and that is the Myers amendment. What is the Myers amendment? This House has gone on record almost unanimously in passing a law that policemen in the District of Columbia as employees of this Government, and the firemen in the District of Columbia as employees of this Government, can not affiliate with an organization that has the power to call a strike against this Government. The Myers amendment is merely to go one step further along the line that should be adopted as the policy of this Congress. The Myers amendment goes far enough to say that the rest of the civil employees of this Government shall not join an organization that could bring about a strike against their own Government.

Are we fair to the police of the District of Columbia, are we fair to the firemen of the District of Columbia, when we say you shall not join an organization that could make you strike, and yet we will stop when we come to ask that the other employees be not permitted to strike against the Government?

I was told by one of the employees of this Capitol that on yesterday not only Mr. Morrison, secretary of the American Federation of Labor, not only other employees of that federation came here, but on yesterday there were between 1,000 and 1,200 employees of this Government in this Capitol, asking for copies of the bill with the Myers amendment, and were here for the purpose of influencing action and of furthering propaganda to defeat the Myers amendment. From 1,000 to 1,200 employees of the Government leaving their places of work, drawing salaries from the Government, coming here to defeat a just law of that kind!

Why do they want to defeat it? They say they do not intend to strike; they say the provisions of their organization prevent a strike. If that is the case why do they object to being placed in the same category with the efficient police and the efficient firemen of this District? If they have no purpose or intention of striking against the Government, then why are they making such a strenuous effort to defeat this Myers amendment?

I want to say to you that just as sure as you live, just as sure as I live, just as sure as the sun shines, if you do not pass this Myers amendment with respect to the civil employees of the Government there is going to be the disgraceful spectacle sooner or later of those employees striking against their own Government. Are you going to stand for it? I hope that this committee will give this House a chance to vote aye or no on the Myers amendment before it is receded from.

THE RAILROAD BILL.

Mr. ESCH. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10453, the railroad bill; and, pending that, I desire to see if we can not come to some arrangement in reference to the control of time. The time having been fixed at three hours, I ask unanimous consent that one-half of that time be controlled by the gentleman from Michigan [Mr. HAMILTON], representing the committee proposition; one-fourth to be controlled by the gentleman from Washington [Mr. WEBSTER]; and one-fourth to be controlled by the gentleman from Minnesota [Mr. ANDERSON], plus 10 minutes; that is to say, the gentleman from Minnesota [Mr. ANDERSON] shall have 10 minutes more, in view of the fact that the gentleman from Washington [Mr. WEBSTER] occupied 10 minutes yesterday.

The SPEAKER. From whom is this 10 minutes to be taken?

Mr. ESCH. It is to be deducted from the time of the gentleman from Washington [Mr. WEBSTER].

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that one-half of the time be controlled by the gentleman from Michigan [Mr. HAMILTON], 40 minutes by the gentleman from Minnesota [Mr. ANDERSON], and 20 minutes by the gentleman from Washington [Mr. WEBSTER]. Is there objection?

Mr. WEBSTER. Reserving the right to object, the time for debate is three hours, and one-half of that time is to be controlled by the committee.

The SPEAKER. The Chair was wrong in his mathematics. It would be 55 minutes to be controlled by the gentleman from Minnesota and 35 minutes by the gentleman from Washington.

Mr. RAYBURN. Mr. Speaker, reserving the right to object, I have an amendment to this section and I do not see where I am to come in.

Mr. ESCH. Is the gentleman's amendment a substitute?

Mr. RAYBURN. I do not have a substitute, but I have an amendment to the provisions of the bill.

Mr. ESCH. To section 300?

Mr. RAYBURN. I do not know to what section it would be proper to offer it.

Mr. ESCH. If both of the substitutes are voted down, we will continue reading the bill section by section, and then they will be subject to amendment.

Mr. CALDWELL. Mr. Speaker, as I understand the request, it was to divide the time one half to the committee and the other half to the two amendments, and that the gentleman from Washington [Mr. WEBSTER] was to have 10 minutes less than the gentleman from Minnesota [Mr. ANDERSON].

The SPEAKER. The Chair did not understand it.

Mr. CALDWELL. If that is so, it would be 90 minutes to the committee, 50 minutes to the gentleman from Minnesota [Mr. ANDERSON], and 40 minutes to the gentleman from Washington [Mr. WEBSTER].

Mr. CLARK of Missouri. Mr. Speaker, I want to find out whether the three hours is to embrace the whole debate on the Webster amendment and the Anderson substitute, or whether after they have three hours on the Webster proposition they will take another turn on the Anderson proposition.

Mr. ESCH. No; the three hours' debate covers both.

The SPEAKER. The Chair does not understand whether it is the intention of the gentleman from Wisconsin that the time of the gentleman from Minnesota [Mr. ANDERSON] shall be 10 minutes more than the gentleman from Washington [Mr. WEBSTER].

Mr. ESCH. That he shall have 10 minutes more.

Mr. BLANTON. Mr. Speaker, reserving the right to object, if either substitute were adopted there would be no debate on any proposition offered by another Member of the House except the committee and these two gentlemen, the gentleman from Minnesota and the gentleman from Washington. I think that is very unfair to the other Members of the House. There might be from some other Member on the floor—perhaps the gentleman from Texas [Mr. RAYBURN], who will offer a very important amendment to Title III. He would be cut off unless he should be fortunate enough to get it from either the committee chairman or either of these other two gentlemen. He would have no time for argument. I think it is very unfair, unless it be understood that other Members of the House shall have some time on this important paragraph.

Mr. KNUTSON. Mr. Speaker, is the time of this House going to be taken by one Member?

Mr. BLANTON. Well, the gentleman from Minnesota usually gets in his share.

Mr. KNUTSON. I am not always chewing the rag.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. MADDEN. Mr. Speaker, reserving the right to object, I wish to inquire from the chairman of the committee whether, when this general debate is closed, it will prevent debate on any other amendment that may be offered to the title while it is being considered under the five-minute rule?

Mr. ESCH. The substitutes are offered only to section 300, the first section of the title.

Mr. MADDEN. And the agreement as to time relates only to section 300?

Mr. ESCH. Yes.

Mr. DEWALT. Mr. Speaker, in order that the matter may be entirely clear I wish to inquire of the Speaker as to what the parliamentary construction of this agreement is?

The SPEAKER. To save time the Chair will suggest that that will have to be ruled upon by the Chairman of the Committee of the Whole.

Mr. SEARS. Mr. Speaker, I demand the regular order.

Mr. DEWALT. Mr. Speaker, I ask unanimous consent to inquire of the chairman of the committee what his construction of this request is. I quote from the RECORD:

The gentleman from Wisconsin moves that debate upon the substitutes which have been offered and upon section 300, in Title III, be limited to three hours.

Is it the construction of the gentleman from Wisconsin, the chairman of the committee, that after three hours have ex-

pired then other amendments may be submitted to other provisions of the bill than section 300, and then be debatable, or is it the construction of the chairman under this order of the House that no debate can be had as to any other substitute offered to any other section than section 300?

Mr. ESCH. I believe the intent was that we should debate any other substitute.

Mr. DEWALT. In other words, that the debate now is limited only to these two substitutes and to section 300 of the bill?

Mr. ESCH. Yes.

Mr. MADDEN. Mr. Speaker, reserving the right further to object—

Mr. SEARS. Mr. Speaker, I demand the regular order.

Mr. MADDEN. If the Webster amendment is adopted or the Anderson substitute is adopted, then it does away with Title III of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin? [After a pause.] The Chair hears none.

Mr. HULINGS. Mr. Speaker, reserving the right to object—

The SPEAKER. The gentleman can not reserve the right to object, as the regular order has been demanded.

Mr. HULINGS. Then I object. I propose to have some say in this matter.

The SPEAKER. The regular order has been demanded. The gentleman from Pennsylvania objects. The question is on the motion of the gentleman from Wisconsin that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10453.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the railroad bill, with Mr. WALSH in the chair.

The Clerk reported the title of the bill.

Mr. HICKS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HICKS. I would like the opinion of the Chair on this matter: We have spent nearly half an hour in the House debating how the time shall be controlled in the debate upon this amendment. As a matter of fact, should not that discussion have been held in the committee, and could the matter not be decided by the committee now? Is it not a committee proposition?

The CHAIRMAN. The Chair would state that while the House might possibly indicate how the time may be consumed in the committee, after the committee has agreed on the time it would be a proper action for the committee to take, after having closed debate, to arrange by unanimous consent the control of the time and how it should be allotted, and if the gentleman from Wisconsin has any request to make, the Chair will entertain it.

Mr. ESCH. Mr. Chairman, I renew my request in the committee. I ask unanimous consent that the three hours be controlled as follows: One-half by the gentleman from Michigan [Mr. HAMILTON], in support of the provisions of the bill, Title III, 50 minutes by the gentleman from Minnesota [Mr. ANDERSON], and 40 minutes by the gentleman from Washington [Mr. WEBSTER].

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the three hours already fixed for debate upon section 300, and the amendments thereto, shall be allotted as follows: Ninety minutes to be controlled by the gentleman from Michigan [Mr. HAMILTON], a member of the Committee on Interstate and Foreign Commerce; 50 minutes by the gentleman from Minnesota [Mr. ANDERSON]; and 40 minutes by the gentleman from Washington [Mr. WEBSTER]. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The gentleman from Michigan is recognized for 90 minutes.

Mr. HAMILTON. Mr. Chairman, I yield 10 minutes to the gentleman from Nebraska [Mr. ANDREWS].

Mr. ANDREWS of Nebraska. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ANDREWS of Nebraska. Mr. Chairman, on the 28th of December, 1917, the railroads of the country passed under Government control by virtue of a proclamation issued by the President of the United States under authority granted to him by the Army appropriation bill approved August 20, 1916.

That action was taken as a war measure. It should be distinctly borne in mind, however, in all of our discussions of the railroad question that such action did not in any way change the ownership of the roads. The Government did not assume any liability whatever in regard to their purchase. The stocks, bonds, and other securities, approximating, according to official reports, \$21,000,000,000, remained with their former and perhaps their present owners.

The Federal control act, approved March 21, 1918, guarantees to the owners a net dividend equivalent to the average net income for the three years ended June 30, 1917.

The results of railroad operations since that time are firmly impressed upon the minds of the people of the country. We were told that transportation matters would be greatly simplified, the efficiency of the service enhanced, and expenses reduced. On the other hand, directly opposite results have been realized in every particular. The chapters written into the transportation history of the country since that time are not cited now with pride by anybody. The service has deteriorated in a remarkable degree. Rates have been increased in every direction. Business has been much greater than it ever was before, yet tremendous deficits have followed. Five hundred million dollars was appropriated by the Federal control act; \$750,000,000 more has been appropriated, and \$500,000,000 more has been requested. Approximately \$250,000,000 surplus was in the treasuries of the roads when they were taken over by the Government. With vast increases in rates, and the Federal appropriations added thereto, the figures are appalling, proving the gross mismanagement somewhere by somebody. It is not strange, therefore, that public forbearance has approached the breaking point.

Public irritation has been intensified by the fact that the Government has paid on railroad deficits hundreds of millions of dollars borrowed from the people at less than 5 per cent to cover guaranteed dividends to railroads at excessive rates in many cases. Is it strange that the people of the country should be thoroughly impatient with such management? What have the Directors General McAdoo and Hines done with that money? They sometimes say that an accounting has been given. They told us that so many hundred millions had been paid for wages and that hundreds of millions more for supplies, equipment, and so forth. But who knows how much padding there is in the pay roll? How much of the "cost plus" is covered up in the bills for equipment, betterment, and so forth? The public mind can not settle itself comfortably in the midst of such conditions. The people remember that the roads were paying dividends and furnishing better service at lower rates before the Government took control. Why has it been necessary to lay upon them these inexcusable burdens which the Directors General and their subordinates have thus far refused to explain by means of itemized accounts? Notwithstanding these facts, the former Director General, Mr. McAdoo, and the present Director General, Mr. Hines, have both urged as strongly as possible that the present method of control should be extended for a period of five years. It is well understood that the roads will revert automatically by existing law to their owners at the end of 21 months immediately following the proclamation of peace.

The President, however, may of his own motion under existing law return them at an earlier date. He has publicly announced that the roads will be returned to their owners by the 1st of next January. The urgent question now is, How will Congress provide for the railroads? It is alleged that the President took them over as a matter of national defense. We need not now consume time in the discussion of the correctness or incorrectness of that statement.

The people now realize very clearly that the exigency has passed. They feel that they should be released from this burden that was pressed upon them by the war. They have answered the first question for us, notwithstanding the recommendations of Mr. McAdoo and Mr. Hines, who stand practically alone in support of this theory.

The second proposition involves the question of—

GOVERNMENT OWNERSHIP.

A small percentage of the people still favor this method. The number of its advocates, however, has been greatly reduced by the unfavorable results of Government operation under the McAdoo plan.

In the consideration of this method we must take into account the expense that the Government would be obliged to incur in the purchase of the roads. As already stated, the stocks, bonds, and securities of the roads alone approximate \$21,000,000,000. Some of the enthusiastic advocates of Government ownership claim that the Government would not need to pay more than \$12,000,000,000 for the properties. But with stocks, bonds, and securities actually existing to the value indicated, by what method could the Government reduce the purchase price to \$12,000,000,000? Should the Government confiscate the roads? What particular class or classes of people own these stocks, bonds, and securities? It has been shown in the hearings that they are owned by at least 50,000,000 people in the United States, nearly one-half the total population of the country directly interested in those securities.

We should dismiss the idea that a few rich people alone would be affected if the roads were to pass under confiscation. The value of the roads, as clearly indicated by official documents, can not be reckoned under \$21,000,000,000 with any degree of safety in these calculations.

It is proposed by some of the advocates of this system that the Government should issue its own interest-bearing bonds in the purchase of the roads. That would mean the adding of at least \$1,000,000,000 of annual interest charge to the running expenses of the Government. The advocates of this system see no difference whatever in earning abundant revenues from the roads to pay this additional charge.

The experience of the last few months, however, warns us against any and all hallucinations in that direction. Wild fancies must be dismissed and stern facts admitted. Let us recall the fact in this connection that our war debt now requires an annual interest charge of at least \$1,000,000,000. One billion dollars for interest on the railroad debt, \$1,000,000,000 for interest on the war debt, and \$3,000,000,000 for current expenses would give us an annual budget of \$5,000,000,000. With these figures before their minds, what will the people think, say, and do? Under such conditions, how and where can taxes be reduced?

THE LABOR PROBLEM.

The pending amendments emphasize the importance of the labor problem involved in this legislation.

The three propositions before us for the adjustment of disputes between carriers and their employees calls for very careful, thoughtful consideration. I want to congratulate the country and the House upon the work that has been performed by the Committee on Interstate and Foreign Commerce. It has been my privilege to attend some of the hearings. The careful consideration given by the members of the committee to these important questions surely has challenged the admiration of all. The absence of factional, sectional, and partisan prejudice will go a long distance toward a wise solution of these questions. I hope that when we come to the final decision we may be able to dismiss from our minds elements of prejudice in regard to the old controversies that have gone before. We are in the midst of a new era, and certain lines of thought and action are clearly revealed in public opinion as never before. Twenty-five years ago we were told that capital was the dominating, controlling force in the affairs of the American people.

The public for a long time was sleeping and dreaming. Labor was indifferent and seemed to feel helpless, not knowing how to solve its own problems. In the meantime capital was said to hold the throne and rule with a rod of iron. We have been told again and again in all sections of the country that capital was the monarch, the people were the servants, and that laborers of the country were the slaves.

By and by labor awoke. It began to study its own problems; it began to organize as capital and other agencies had done before. It learned rapidly in its postgraduate course out in the active affairs of life. By and by labor gained a power through organization that challenged capital, but the public was still sleeping and dreaming. Labor seems to have reached the zenith of its power in recent months. What the future holds in reservation we need not stop now to conjecture. By and by, however, the public awoke from its slumbers and dreams. It began to study its rights in relation to capital. Laws were enacted by the Federal and State legislative bodies restricting the range and exercise of the power of capital. Restrictions were thrown around corporate power, and the public came to realize that it was an active partner in every corporate organization of the country. It began to realize the truth that these organizations were allowed to come into existence under law to promote the welfare of the public. In the midst of that policy capital found place for profitable investment. Investments opened the way to labor, furnished a wider and larger opportunity, brought better wages to the industries of the country, which have grown with remarkable rapidity for the last quarter of a century. The public, however, was still holding back in the exercise of its rights.

To-day there are more than 2,000,000 employees to whose interests this bill and the pending amendments and substitutes relate.

ARBITRATION.

This bill and the pending amendments require us to make a choice between compulsory and voluntary arbitration. The Webster substitute proposes compulsory arbitration and outlines the methods of its enforcement. Let us remember that our decision in this matter will not apply to all the laboring forces of the United States. This bill deals with the railroad employees alone. Is it wise and just at this time to force upon them rigid requirements from which a considerable majority

of the laboring people of the country will be entirely free? Recent strikes have appeared among those who will not be affected by the terms of the law which we are about to enact. For this and other reasons I shall support the principle of voluntary arbitration.

The numerous boards proposed by the terms of the bill and also the Anderson or Sweet amendment do not give proper recognition to the public in the adjustment of labor disputes. They are both based largely upon the erroneous notion that labor disputes are to be solved entirely by the employers and employees. In most instances the boards proposed by the bill and the Anderson amendment are given equal representation from the employers and employees. That condition makes it possible to perpetuate a controversy indefinitely, while public interests may suffer seriously thereby. The plan seems to be based upon the theory that each dispute must be decided by the unanimous vote of each board or not decided at all. If the public, however, were given representation on each of these boards it could make a decision and thereby avoid delay and injury to the public. It is frequently suggested that the public has no right to speak in a quarrel between employers and employees. That opinion should be promptly repudiated as harmful in the highest degree. If the employees think they are entitled to an increase of wages and refuse to yield their point in the midst of the deliberations of the board, the employers may grant the increase and immediately thereafter advance their rates. Will anyone deny that the public is interested at this point? If so he would argue that the employers and employees can quarrel among themselves until they are weary of their quarrel and then charge millions in increased rates to the public as a peace offering. In all of these disputes the public as a rule must pay the bills.

It is wrong for anyone to assume that railroads have a right to levy exorbitant rates upon the public as a means of settling quarrels.

There must be an equalizing agency, and the public, which is the paymaster in the end, should be given a voice and a vote in the determination of these disputes.

As many of the provisions of the Sweet amendment have already been tested with satisfactory results, I shall favor its adoption, and thus give an opportunity to demonstrate the practical value of voluntary arbitration.

If that method should not be successful, the public will be compelled to try some other plan.

Now, the public comes to the Congress of the United States to speak upon this question in relation to capital, on the one hand, and labor, on the other. The public is now an active partner. It has assumed control, and its duty is to exercise control over labor and capital alike on the grounds of justice and equity.

In this connection I want to emphasize this central idea, that labor and capital have no right to trespass upon the superior rights of the public. Each must answer to those superior rights. For years, however, the world has gone forward upon the assumption that these labor disputes are questions to be debated between labor and capital only—the employer and the employee. This bill and these amendments—and I hope that those who have charge of the bill and the amendments will note the point—all convey the idea that the public is a minor factor in this problem. In my judgment, it is and always should be the major factor, and should speak for all, but speak on the lines of justice and equity. We have had an illustration of this in recent days.

Have you heard the voice of the public? Certainly. Was it not an inspiring scene when the Congress of the United States and the President of the United States stood forth before the people of the Nation and the world as a unit, asserting the rights of the public in saying to the coal strikers, "Thus far and no further"? Now, let the public also say, with the returning days of quiet and order, to the employer, as well as to the employee, "Let these questions of wages and conditions of labor be adjusted at the council table, where reason, justice, and equity preside, in the absence of prejudice and passion. [Applause.]

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. ANDERSON. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. SWEET].

Mr. SWEET. Mr. Chairman and gentlemen of the committee, the title of the bill we are now considering is one of the most important in the bill, because it relates to human rights. The times are menacing, chaotic, and uncertain, and seem out of joint, and yet we are not legislating in this bill to meet the present situation or an emergency. We are legislating for days of peace. We are legislating for the employees of the railway

carriers of this country. We are not legislating for all the laborers of this country. I emphasize the fact, we are legislating in regard to those that are in the employ of the carriers. We are not legislating for anarchists, I. W. W.'s, or Bolsheviks. We are legislating for American citizens. [Applause.] And I can say without fear of successful contradiction that the men who have been in the employ of the carriers of this country during the war that has just closed showed as much patriotism as any other class of citizens in the Republic. [Applause.]

Now, let me make myself plain in regard to this matter. I am one of those who believe that this is the best Government in all the world, and I have no sympathy with any man or set of men who attempt in any way to disobey the Constitution or the laws enacted thereunder.

In approaching this proposition I want to say to you that I stand here ready to support any plan or scheme that will make the railroads effective in operation and management, and I desire that harmony may exist between the carriers and their employees. And although we may differ in many respects in connection with this proposition, it is largely a question of judgment. Some men wish to approach this proposition from the standpoint of force.

To them I will say that force has been tried in many European countries, and has met with almost universal failure. It is an Old World idea. Some of them approach it from the standpoint of taking from those who are employed the accumulations of almost a lifetime, the small amount laid aside for the support and maintenance of their wives and children. To them I will say I do not believe that is wise policy, and neither is it humanitarian. [Applause.] The plan that has been suggested here by the gentleman from Minnesota [Mr. ANDERSON] was one that I had worked out and presented to the committee.

Mr. STEVENSON. Will the gentleman yield?

Mr. SWEET. Not just at this time.

Mr. STEVENSON. I wish to say that I have received a great many telegrams asking me to oppose or support this amendment. Is the Anderson amendment that they are wiring us about the Sweet amendment?

Mr. SWEET. The amendment submitted by Mr. ANDERSON is substantially—in fact, it is word for word—as I submitted it to the subcommittee.

Mr. ESCH. Not to the subcommittee.

Mr. SWEET. I beg pardon—to the full committee. Now, the plan that is here presented is simply this: During the period of Federal control certain boards of adjustment were agreed to between the railway companies and the employees, and were known as Adjustment Board No. 1, Adjustment Board No. 2, and Adjustment Board No. 3. Upon these boards there was an equal representation. And I may say to the Members of the House that before Adjustment Board No. 1 there came over 1,360 disputed questions, and of that number 1,300 were decided by a unanimous board, and all were finally adjusted by the board constructed upon the same basis as is presented here under the Anderson amendment.

The basic or the central thought of this plan is that there is equal representation. The representation comes from those who are interested, and they get around the council table and discuss these matters, touch elbow to elbow, and thrash out the proposition. That is the central thought. And not only that, it is done by men who understand disputes of this character. They are not strangers to it; they understand it. And so I provide in this plan three boards, identical with the three that are now established, and the theory of this plan from beginning to end is that it takes into consideration the present condition of the country and the status of the railway employees. It endeavors to apply the law to the facts. It does not present a theory and then try to adjust the facts to it. The framer of it has kept in mind at all times that labor is not a commodity or an article of commerce. And so this proposition that we are here presenting is not a theory. It has been actually put into practice. It has actually been tried. It has actually been demonstrated.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield there?

Mr. SWEET. I will.

Mr. NEWTON of Minnesota. I note, however, that with the admirable machinery for adjustment there is still a chance for a deadlock, and your provision provides for nobody to decide that deadlock.

Mr. SWEET. There is a provision for an appeal to a commission on labor disputes.

Mr. NEWTON of Minnesota. Yes; but that appeal board has four members from the carriers and four from the employees, and if they deadlock there is no one representing the public to say that transportation shall go on.

Mr. SWEET. Yes; but this does not stop transportation.
Mr. NEWTON of Minnesota. Yes; but if they can not agree they can stop. In that case what is the gentleman's solution?

Mr. SWEET. The question, then, is not determined.
Mr. NEWTON of Minnesota. I know. But what the public is interested in is a breaking of the deadlock.

Mr. SWEET. By the time it passes through the various boards the question, if there is any merit in it, will be recognized, and if there is not any merit in it then—

Mr. COOPER. Mr. Chairman, will my colleague yield?
Mr. SWEET. Yes.

Mr. COOPER. I will say that there is not anything in the committee print that will prevent a deadlock.

Mr. SWEET. That is absolutely true. The proposition presented here by the committee is practically on a par with the plan advocated by me.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. SWEET. Yes.

Mr. MADDEN. How many boards does the gentleman provide for?

Mr. SWEET. Six boards.
Mr. MADDEN. Is there not a danger of America being lost between the boards?

Mr. SWEET. Oh, no.
The CHAIRMAN. The time of the gentleman has expired. The gentleman from Washington [Mr. WEBSTER] is recognized.

Mr. WEBSTER. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. RAYBURN].

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. WEBSTER. Mr. Chairman, I understand from the gentleman from Texas that he yields back the time. He has decided not to use it. I therefore yield five minutes to the gentleman from New York [Mr. SNELL].

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. SNELL. Mr. Chairman, I do not know that I would want to go in every respect as far as the Webster amendment goes, but in a general way it comes nearer, in my judgment, to incorporating the matter in this bill that I think should be put in legislation of this character than anything else that has yet been presented to this House.

First, I favor section 300 as contained in the Webster amendment. This provides a definite and distinct way of appointing one committee which has power to do something. The gentleman who has just spoken on this matter [Mr. SWEET] says that his provision provides for six boards, and then when you get all through you can not decide anything. Simply creates a number of jobs and no result. What is the sense of passing any such legislation as that?

Mr. SWEET. Mr. Chairman, will the gentleman yield?

Mr. SNELL. Certainly.

Mr. SWEET. Six boards is the number in the plan I present. Adjustment No. 1 appeals to adjustment board No. 2, and adjustment No. 1 is composed of the railway brotherhoods on the one hand and representatives of the railways on the other. We divide up the 14 organizations of labor between those.

Mr. SNELL. I did not yield to the gentleman to make a speech. I admit what the gentleman says, and that is exactly what I understood it to be. But when you get through with the six boards you have not arrived at anything. What we want to do is to enact some legislation that will arrive at something definite when you do get through, and in my judgment the Webster amendment provides in section 300 something definite, positive, and concrete along this line, and that is what we want.

Section 304 of the Webster amendment I entirely approve of. I believe that while the discussion of these matters is before this board the railway employees should not have an opportunity or a right to strike. Certainly they should not do that until a decision has been arrived at, when we are going to all this trouble and expense of providing an adjustment board, and I believe this is the time to put something of this nature in a definite and positive way before the country.

Mr. FESS. Mr. Chairman, will the gentleman yield right there?

Mr. SNELL. Yes; I yield to my friend.

Mr. FESS. Would the gentleman extend his amendment also to an inhibition of a lockout?

Mr. SNELL. Yes; I mean both lockouts and strikes; something definite that prohibits both, until the matter is decided by this board of arbitration that we are providing for.

I believe those are two essential matters to incorporate in this bill; first, a definite way of arriving at something; and, second, that there shall be no lockouts or strikes until this matter is definitely and positively decided; and neither of those

essential things is provided for in the committee print as well as they are in the Webster amendment.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. SNELL. Yes.

Mr. SMITH of Michigan. Suppose it would be a year before this matter were decided, as in the case of the decisions by the Interstate Commerce Commission. Would you prohibit them from striking in the meantime?

Mr. SNELL. It should not be allowed to run on for a year. It should be brought immediately to this one board. They should make the decision in any case in 60 or 90 days, and the fact it only has to go before one board is another argument for the Webster amendment and quick settlement. I would not have any strikes or lockouts until that decision is made.

Mr. NEWTON of Minnesota. We could very easily attach a proviso, could we not, that the board must decide within 60 days or 90 days?

Mr. SNELL. That is exactly what I would like to have incorporated in the bill, so that when we make it a law we will have something that we, at least, understand ourselves, and nobody on God's earth would ever understand the provisions of the committee bill.

Now, the only thing I have any doubt or question about in the Webster amendment is as to a feature of section 306, and that is whether we should go as far as to attach the property of the individual member, to satisfy judgment against the union. Suppose I am a member of the union and I have voted against a strike. I have not supported it in any way, and still, under the provisions of this amendment, my property would be subject to attachment. I have grave doubts about that. I feel that we should attach for the satisfaction of the judgment all the union property, except, as we all agree, the pension and insurance fund.

I want to go as far as we can to make the unions obey the law, the same as I and every other man has to obey the law, but I have doubts about going quite as far as the gentleman goes in section 306 of this amendment. But as a general proposition I feel that this amendment of the gentleman from Washington [Mr. WEBSTER] has many good features, and it is definite and positive and direct, and we can understand what it means, and that is one reason why I favor it with these few exceptions. [Applause.]

I yield back the remainder of my time.

Mr. HAMILTON. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. Mr. Chairman and gentlemen, I want to be perfectly candid with the House in explaining the provisions of the committee bill on the adjustment of labor disputes and my own position on that subject. I have been a friend of the railroad laborers and of other wage earners since I have been a Member of the House, because I thought they needed friends here, and I intend to continue so if I know how. I am not unmindful, however, of my duty to all the people I represent here, nor am I unmindful of the obligations that rest upon me as a Member of this branch of the Government. I want to remind you that the best friend of the laboring men is not the one who, as a Member of Congress, demands everything that they demand [applause], and the best friend of the employers of labor is not the one who, as a Member of Congress, denies or opposes everything that the laboring men want. [Applause.]

The best friend of both is he who, mindful of the interests of both and intent upon exact justice to both, does that which is best for the whole country. [Applause.] Now, gentlemen, the Committee on Interstate and Foreign Commerce had before it all of these propositions. We heard those who believe in each of the propositions, and the committee had a great deal of trouble in arriving at its conclusions. The conclusions of the committee did not meet the individual views of all the members of the committee. I want to be candid and say that they did not meet my own personal views entirely; but the plan of the committee as embodied in the bill is the consensus of views of the majority of the Committee on Interstate and Foreign Commerce, and the very fairest and best plan that the committee as a whole could, under all the circumstances, formulate to solve this problem at this time.

Now, as everyone knows, the plan proposed by the gentleman from Minnesota [Mr. ANDERSON] is the plan proposed by those who represent the wishes of the brotherhoods and other railroad men. It provides simply for voluntary conciliation and arbitration by the various boards; it offers no means of enforcing agreements or awards; and provides no penalties whatever, either civil or criminal. If that is all the House wishes to do, it would be better, in my judgment, to strike the entire subject out of the bill.

The plan proposed by the gentleman from Washington [Mr. WEBSTER] provides for arbitration by boards, but goes too far and provides both civil and criminal penalties. And not only that, gentlemen, but the plan proposed by the gentleman from Washington [Mr. WEBSTER] would make every individual member of an organization whose members go out on a strike liable in damages whether that member favored the strike or not, and even though he might have opposed it. Why, gentlemen, if you know anything about labor conditions you know that men, as a matter of protection and for their own good, generally want and sometimes have to join these organizations. I believe in labor organizations and wish all men in industrial employment belonged to them. But they generally decide questions involving strikes by a majority vote of the members of the organization, which is the usual method of doing such things in this country, and I can not bring myself to believe that it is right or just to punish those members of the organization who oppose a strike and do not help cause it or bring it on, simply because other members controlled the organization and brought on the strike which caused the damages. I am not in favor of going so far as to make the property of an innocent man liable for the damages caused by others who chose to vote to strike. [Applause.]

Mr. BLANTON. Will the gentleman yield there?

Mr. DENISON. I am sorry that I have not the time. Now, the plan proposed by the committee takes the middle ground. We have tried to provide a plan that will be effective and yet will not be unjust or unfair to anyone. That is what we all ought to try to do.

Let me remind the Members of the House that this is the second experiment of Congress in legislating upon disputes between employers and employees. It is a new field for national legislative action in this country. We are in the experimental stage of such legislation. My own view is that it has been an unfortunate thing for the laboring men and for the country that labor disputes have ever reached the point where they had to be taken into the realm of legislation.

Mr. FESS. That is right.

Mr. DENISON. But that question has now passed beyond us. That water has passed over the wheel.

The question came before Congress for the first time in what is known as the Adamson law, that was passed, as you remember, just before the national election in 1916. I voted for the Adamson bill because the brotherhoods and their employers failed or refused to adjust their differences and a nation-wide strike was called and impending. The day and the hour for it was set; and, so far as I could tell, there was no hope of adjusting the dispute or averting what seemed to me a national disaster. I have always believed if the President had kept out of the dispute it would have been amicably settled. It was unfortunate for all parties concerned and for the country that a political campaign was approaching. But the President interfered, took sides with the brotherhoods, threw the great influence of his high office upon their side of the controversy, came before Congress with a special message demanding legislation, and advising Congress that there was no other way to avoid national disaster except by the passage of the Adamson bill.

I voted for the bill for that reason and because the officers of the brotherhoods in public statements announced that such a law would avert the strike.

I have always believed that the Adamson law was a mistake, not only for the country but from the standpoint of the interests of the brotherhoods themselves as well. Nothing but the necessity for averting such a national disaster as the paralysis of the transportation systems of the entire country could have justified it.

But the bill passed and became the law of the land; its constitutionality was questioned in a proceeding brought for that purpose, which was soon decided in the Supreme Court. I am going to ask the permission of the House to insert as a part of my remarks a few extracts from the decision of the Supreme Court in that case. I wish I had time to read it all here, because it is very far-reaching and very enlightening. The law was held constitutional, and the powers of Congress to legislate for the purpose of settling questions that arise between railroads and their employees, when they fail to settle such questions by agreement, were clearly defined. I will ask that the following parts be included in my remarks:

EXTRACTS FROM THE OPINION OF THE SUPREME COURT OF THE UNITED STATES IN CONSTRUCTING THE ADAMSON EIGHT-HOUR LAW.

What was the extent of the power, therefore, of Congress to regulate, considering the scope of regulation which Government had the right to exert with reference to interstate-commerce carriers, when it came to exercise its legislative authority to regulate commerce is the matter to be decided. That the business of common carriers by rail is in a

sense a public business, because of the interest of society in the continued operation and rightful conduct of such business, and that the public interest begets a public right of regulation to the full extent necessary to secure and protect it, is settled by so many decisions, State and Federal, and is illustrated by such a continuous exertion of State and Federal legislative power as to leave no room for question on the subject. It is also equally true that as the right to fix by agreement between the carrier and its employees a standard of wages to control their relations is primarily private, the establishment and giving effect to such agreed-on standard is not subject to be controlled or prevented by public authority. But, taking all these propositions as undoubted, if the situation which we have described and with which the act of Congress dealt be taken into view—that is, the dispute between the employers and employees as to a standard of wages—their failure to agree, the resulting absence of such standard, the entire interruption of interstate commerce which was threatened, and the infinite injury to the public interest which was imminent, it would seem inevitably to result that the power to regulate necessarily obtained and was subject to be applied to the extent necessary to provide a remedy for the situation, which included the power to deal with the dispute, to provide by appropriate action for a standard of wages to fill the want of one caused by the failure to exert the private right on the subject, and to give effect by appropriate legislation to the regulations thus adopted. This must be, unless it can be said that the right to so regulate as to save and protect the public interest did not apply to a case where the destruction of the public right was imminent as the result of a dispute between the parties and their consequent failure to establish by private agreement the standard of wages which was essential; in other words, that the existence of the public right and the public power to preserve it was wholly under the control of the private right to establish a standard by agreement. Nor is it an answer to this view to suggest that the situation was one of emergency and that emergency can not be made the source of power. Ex parte Milligan (4 Wall. 2). The proposition begs the question, since although an emergency may not call into life a power which has never lived, nevertheless emergency may afford a reason for the exertion of a living power already enjoyed. If acts which, if done, would interrupt, if not destroy, interstate commerce may be by anticipation legislatively prevented, by the same token the power to regulate may be exercised to guard against the cessation of interstate commerce threatened by a failure of employers and employees to agree as to the standard of wages, such standard being an essential prerequisite to the uninterrupted flow of interstate commerce.

But, passing this, let us come to briefly recapitulate some of the more important of the regulations which have been enacted in the past in order to show how necessarily the exertion of the power to enact them manifests the existence of the legislative authority to ordain the regulation now before us, and how completely the whole system of regulations adopted in the past would be frustrated or rendered unavailing if the power to regulate under the conditions stated which was exerted by the act before us was not possessed. That regulation gives the authority to fix for interstate carriage a reasonable rate subject to the limitation that rights of private property may not be destroyed by establishing them on a confiscatory basis is settled by long practice and decisions. That the power to regulate also extends to many phases of the business of carriage and embraces the right to control the contract power of the carrier, in so far as the public interest requires such limitation, has also been manifested by repeated acts of legislation as to bills of lading, tariffs, and many other things too numerous to mention. Equally certain is it that the power has been exercised so as to deal not only with the carrier but with its servants and to regulate the relation of such servants not only with their employers but between themselves. Illustrations of the latter are afforded by the hours-of-service act, the safety-appliance act, and the employers' liability act. Clear, also, is it that an obligation rests upon a carrier to carry on its business, and that conditions of cost or other obstacles afford no excuse and exempt from no responsibility which arises from a failure to do so, and also that Government possesses the full regulatory power to compel performance of such duty.

In the presence of this vast body of acknowledged powers there would seem to be no ground for disputing the power which was exercised in the act which is before us so as to prescribe by law for the absence of a standard of wages caused by the failure to exercise the private right as a result of the dispute between the parties: that is, to exert the legislative will for the purpose of settling the dispute, and bind both parties to the duty of acceptance and compliance to the end that no individual dispute or difference might bring ruin to the vast interests concerned in the movement of interstate commerce, for the express purpose of protecting and preserving which the plenary legislative authority granted to Congress was reposed.

What purpose would be subserved by all the regulations established to secure the enjoyment by the public of an efficient and reasonable service, if there was no power in Government to prevent all service from being destroyed? Further, yet, what benefits would flow to society by recognizing the right, because of the public interest, to regulate the relation of employer and employee and of the employees among themselves and to give to the latter peculiar and special rights safeguarding their persons, protecting them in case of accident, and giving efficient remedies for that purpose, if there was no power to remedy a situation created by a dispute between employers and employees as to rate of wages, which, if not remedied, would leave the public helpless, the whole people ruined, and all the homes of the land submitted to a danger of the most serious character? And, finally, to what derision would it not reduce the proposition that Government had power to enforce the duty of operation, if that power did not extend to doing that which was essential to prevent operation from being completely stopped by filling the interregnum created by an absence of a conventional standard of wages because of a dispute on that subject between the employers and employees by a legislative standard binding on employers and employees for such a time as might be deemed by the legislature reasonably adequate to enable normal conditions to come about as the result of agreements as to wages between the parties?

We are of opinion that the reasons stated conclusively establish that from the point of view of inherent power the act which is before us was clearly within the legislative power of Congress to adopt, and that in substance and effect it amounted to an exertion of its authority under the circumstances disclosed to compulsorily arbitrate the dispute between the parties by establishing as to the subject matter of that dispute a legislative standard of wages operative and binding as a matter of law upon the parties—a power none the less efficaciously exerted because exercised by direct legislative act instead of by the enactment of other and appropriate means providing for the bringing about of such result. If it be conceded that the power to enact the

statute was in effect the exercise of the right to fix wages where by reason of the dispute there had been a failure to fix by agreement, it would simply serve to show the nature and character of the regulation essential to protect the public right and safeguard the movement of interstate commerce, not involving any denial of the authority to adopt it.

And this leaves only to be generally considered whether the right to exercise such a power under the conditions which existed was limited or restrained by the private rights of the carriers or their employees.

(a) As to the carrier. As engaging in the business of interstate-commerce carriage subjects the carrier to the lawful power of Congress to regulate irrespective of the source whence the carrier draws its existence, and as also by engaging in a business charged with a public interest all the vast property and every right of the carrier become subject to the authority to regulate, possessed by Congress to the extent that regulation may be exerted considering the subject regulated and what is appropriate and relevant thereto, it follows that the very absence of the scale of wages by agreement and the impediment and destruction of interstate commerce which was threatened called for the appropriate and relevant remedy, the creation of a standard by operation of law binding upon the carrier.

(b) As to the employee. Here again it is obvious that what we have previously said is applicable and decisive, since whatever would be the right of an employee engaged in a private business to demand such wages as he desires, to leave the employment if he does not get them, and by concert of action to agree with others to leave upon the same condition, such rights are necessarily subject to limitation when employment is accepted in a business charged with a public interest and as to which the power to regulate commerce possessed by Congress applied and the resulting right to fix in case of disagreement and dispute a standard of wages as we have seen necessarily obtained.

In other words, considering comprehensively the situation of the employer and the employee in the light of the obligations arising from the public interest and of the work in which they are engaged and the degree of regulation which may be lawfully exerted by Congress as to that business, it must follow that the exercise of the lawful governmental right is controlling. This results from the considerations which we have previously pointed out and which we repeat, since conceding that from the point of view of the private right and private interest as contradistinguished from the public interest the power exists between the parties, the employers and employees, to agree as to a standard of wages free from legislative interference, that right in no way affects the lawmaking power to protect the public right and create a standard of wages resulting from a dispute as to wages and a failure therefore to establish by consent a standard. The capacity to exercise the private right free from legislative interference affords no ground for saying that legislative power does not exist to protect the public interest from the injury resulting from a failure to exercise the private right.

You will observe that the Supreme Court said that the question of settling labor disputes and adjusting wages is primarily a question between the carriers and their employees which they ought to adjust, and that so long as they do adjust them the public is not concerned; but that when they fail to adjust such disputes, then a public interest arises, and that Congress has absolutely plenary power to pass any law that may be effective to prevent interruptions of interstate commerce. [Applause.]

Mr. EVANS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. DENISON. I am sorry I do not have time.

The CHAIRMAN. The gentleman declines to yield.

Mr. DENISON. The decision in the Adamson case has settled the law and has decided as a constitutional question that when employers and employees fail to reach an agreement, and that failure to reach an agreement is liable to result in an interruption of interstate commerce, Congress has full power to pass any law governing the relation of carriers and their employees that will prevent that interruption and protect the interests of the public. That is our power, and it is for the Members of Congress to decide what our duty is. The Supreme Court has told us plainly what our powers are under the Constitution. Each of us must decide what our duty is under our oath of office.

Now, this bill provides tribunals to settle all these labor disputes, tribunals that are as just, fair, and impartial as the members of the committee could devise. We have followed suggestions that have been made to us by representatives of the brotherhoods. I do not mean that this plan in the bill has been recommended by the brotherhoods, but I mean that the principle involved in it has been recommended by the brotherhoods, at least to this extent:

They came before the committee and said to us that they thought the best way to settle these labor disputes is to get the men and their employers together around the table and let them discuss these questions as man to man, upon an absolutely equal footing; it was stated to us that then in ninety-nine cases out of one hundred they would agree; and they cited the fact that the labor-adjustment boards provided for by the Railroad Administration had been sitting during the two years of the war adjusting these disputes and had come to an agreement in every case. And I think they would continue to do so.

Let me remind you that there has not been a national strike among the railroad men since 1894. The railroad men are a high class of men. I think they appreciate their responsibilities, and I do not think we need get hysterical or have any great fears that the commerce of the country is going to be tied up. I think the railroad men of the country, with the possible exception of a few of their most radical leaders, are among the

most conservative of our laboring men. They have had, and will continue to have, a stabilizing and a salutary influence upon the other labor organizations of the country. I have confidence in their good judgment, their patriotism, and their consideration for the public interest. And I have hoped that there would not be any radical legislation that would tend to create further unrest or cause any greater discontent among this great class of workmen upon our transportation systems.

I think Congress will have done its duty to the country if we provide tribunals that are absolutely fair and impartial before whom they can take their disputes, man to man, on an equal footing, discuss them, and settle them.

Study the plan of this bill. It is not true, as the gentleman from New York said, that nobody can understand the provisions of the bill. I do not know whether the gentleman from New York meant that seriously or not; but if he can not understand it, as he says, it is a reflection upon no one but the gentleman from New York. [Laughter.]

The employees, through their organizations, select representatives from each organization. They make their own selection. If they do not select good men, that will be their own fault. The employers, through their association, select 15 men, the express company selects 1, and the sleeping-car company selects another; so you have a board composed of 17 men representing the employers, chosen by themselves, and from 18 to 24 employees, selected by themselves, and each one paying their own representatives. The employees and employers have a perfect right to go to their respective representatives on the board and talk to them and present their case.

Mr. MADDEN. Have not they the same right now without any law?

Mr. DENISON. Certainly they have. But I mean they would have the right to consult with their representatives on the committee that was hearing their case.

That is the labor adjustment board. That board does not itself hear or determine any disputes. It is simply the panel, just like a panel of jurors provided by law. And just as petit juries are selected from the jury panel to try and decide particular cases, so when controversies arise between carriers and their employees committees are selected from the board to hear and determine the issues involved in such controversies. Representatives of the organizations of employees that are interested in the dispute are selected from the board, and an equal number of representatives of the employers are selected from the board, and those thus selected constitute the committee who will get together upon an equal footing around the table, hear the evidence, discuss the questions, and decide the dispute. All decisions have to be made by two-thirds majority. If they can not agree, they certify that fact to the board of labor appeals.

The board of labor appeals is not exactly what its name implies, because it does not in fact hear any appeals. There is no right of appeal provided for by the bill. The board of labor appeals only acts when the committees fail to reach an agreement and certify that fact to them.

This board of labor appeals is provided as a sort of last resort, a safety provision, to satisfy every reasonable hope that labor and wage disputes may be adjusted by conciliation and arbitration and that strikes may be thereby prevented.

The members of the board of labor appeals are appointed by the President and paid by the Government. There will be 3 representatives of the employers chosen by the President from a group of 18 nominees offered by the employer members of the adjustment board, 3 members representing the unions chosen by the President from a group of 18 nominees offered by the employee members of the adjustment board, and 3 appointed by the President representing the public. The three public representatives will be chosen particularly to represent agricultural and commercial interests and unorganized labor.

The public representatives, however, will not vote in the settlement of labor disputes. They will represent the public interests in the discussions and exert such influence and council as they can with the other members of the board of labor appeals. But all disputes will finally be determined by the votes of the representatives of the employees and employers themselves.

Mr. Chairman, if the plan presented by the committee is not a fair and just method of settling labor disputes, I am unable to see wherein it fails. I have heard that some objection has been made to the provision which allows civil damages to be recovered where a strike or lockout is called in violation of a wage agreement. I am unwilling to believe that this is a serious objection. It does not subject the members of labor organizations to individual liability and it exempts all insurance and benefit funds. I am unwilling to believe that the brotherhoods or other organizations of railroad employees would strike in

violation of their solemn agreement or contract, and therefore I feel sure that the conservative, patriotic members of those organizations will not seriously object to such a provision.

Gentlemen, the responsibility for enacting railroad legislation rests upon us. The country expects us to do our duty and do all we can to foster and improve the transportation systems of the country and give the people better and uninterrupted railroad service. I think that this plan of the committee is fair and conservative and will help to encourage the conciliation and friendly adjustment of all labor disputes between the railroad companies and their employees.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON. Mr. Chairman, I yield three minutes to the gentleman from California [Mr. NOLAN].

Mr. NOLAN. Mr. Chairman and gentlemen of the committee, the gentleman from Illinois [Mr. DENISON] said that the railroad brotherhoods and the railroad employees were in favor of the Anderson substitute. As I understand it, the railroad brotherhoods and the railroad employees are anxious that Congress at this time should leave the situation, when the railroads are returned to the owners, in the same way in which labor disputes were adjusted at the time the railroads were taken over. In other words, I believe they would like to adjust their own troubles with their employers when the railroads go back to private control, but inasmuch as Congress is going to legislate on the subject they say that they are in favor of the Anderson amendment.

Now, as to the Anderson amendment, I want to call the attention of some gentlemen who say there is no way to enforce the provisions of that amendment in case of a deadlock to the fact that for 23 years before we took the railroads over during the war emergency the railroad employees in this country sat around the table at a conference and settled their grievances with their employers—the railroad presidents and general managers. After a number of years had elapsed the Erdman Act was passed, and subsequently we passed the Newlands amendment to the Erdman Act, which provided for a conciliation board or an adjustment board provided the railroads and the employees could not agree. They had their grievance committees that took up the grievances in different parts of the country. In case they could not adjust or agree the board stepped in to settle it. There has never been a case where the employees refused to abide by the decision of that board. After 23 years, before we took over the railroads, they went along without a strike or lockout.

I would like to leave this thought with the Members of the House: I am an executive officer in a large organization—the molders' union. From 1890 annually men representing the molders meet with the men representing the stove foundries of the country, who have a national organization—the Stove Foundries' National Defense Association—and they take seats at the round table and confer with the representatives of their men on the question of hours, wages, and working conditions that affect every stove foundry of the country. These conferences have been going on for 29 years without a break; there has never been a strike or lockout during that time of any consequence or that lasted more than a few days or weeks.

That is conciliation. That is exactly what I consider a common-sense method of adjusting disputes—getting the practical employer and the practical man from the industry, or their representatives, together and settling their disputes, and when they do settle them you have contented employees, you have contented employers. It means production, it means content, it means efficiency, and really it is the only common-sense way of settling disputes in this country or in any part of the world. The other method has been tried, and it has failed. It has been tried in Europe, it has been tried in Australia, it has been tried in Canada, and there has never been an instance where force has been used, where the law has been invoked to send men to jail or penalize them for refusing to work, where it has not failed. When this world and this country get back to a normal state of mind and we can sit calmly around the table and settle these industrial problems, my opinion is that the way to settle them will be found through conciliation. Common sense then prevails. Then there is confidence between the employer and the employee, and that is the foundation for our industrial structure. When we get to that point, and I am satisfied that we are going to get to it, no matter what we try in the way of compulsory legislation or compulsory labor, we will settle these disputes in the way I have suggested. The matter of industrial disputes in this country and in the world will find its foundation on a solid rock only when employer and employee get together and settle their differences in a calm, common-sense way. [Applause.] I am in favor of the Anderson amendment.

Mr. WEBSTER. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. CANNON]. [Applause.]

Mr. CANNON. Mr. Chairman, in five minutes I can not say a great deal, but a little later on, when the matter is subject to other amendments under the five-minute rule, I may have something further to say. At this time I ask unanimous consent to revise and extend my remarks in the Record, because I have some references to make which I can not now take the time to read.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend and revise his remarks in the Record. Is there objection?

There was no objection.

Mr. CANNON. Mr. Chairman, the Adamson bill was passed. I voted for it. The President made an address to the Congress, and I think most of you recollect it. I hold that address in my hand at this time. In that address to Congress, August 29, 1916, the President made six recommendations for legislation: First, the enlargement and administrative reorganization of the Interstate Commerce Commission; second, the establishment of the eight-hour day as the legal basis for work and wages of all railway employees engaged in interstate transportation; third, the authorization of a small body of men to observe the actual results of the eight-hour day and report to Congress; fourth, approval of an increase of freight rates to meet such additional expenditures by reason of the eight-hour day; fifth, "an amendment of the existing Federal statute which provides for mediation, conciliation, and arbitration of such controversies as the present by adding to it a provision that in case the methods of accommodation now provided for should fail, a full public investigation of the merits of every such dispute shall be instituted and completed before a strike or lockout may lawfully be attempted"; and, sixth, lodgment in the hands of the Executive of the power, in case of military necessity, to take control of the railways for military service.

In that address the President said:

There is one other thing we should do if we are true champions of arbitration. We should make all arbitral awards judgments by record of a court of law in order that their interpretation and enforcement may lie not with one of the parties to the arbitration but with an impartial and authoritative tribunal.

These things I urge upon you, not in haste or merely as a means of meeting a present emergency, but as permanent and necessary additions to the law of the land, suggested, indeed, by circumstances we had hoped never to see, but imperative as well as just, if such emergencies are to be prevented in the future. I feel that no extended argument is needed to commend them to your consideration. They demonstrate themselves. The time and the occasion only give emphasis to their importance. We need them now and we shall continue to need them.

I agreed with much that he recommended. The crops were just ready to move. A demand was made by the railroad employees for a certain increase of wages, to which the railroads would not agree, and, as gentlemen will recollect, the employees notified the country that they would go on a strike and tie up all of the commerce between the States—with the crops ready to move—and I live out in Illinois where the crops abounded then and do still. I voted for the Adamson bill, not that I loved it but because it met an emergency, and we had the implied promise of a permanent system for the adjustment of such controversies. It was a condition that confronted us. The President made certain propositions that he thought ought to be enacted into law, that the whole matter ought to be determined by conciliation and mediation. I do not object to that. I believe in conciliation, and I believe in mediation, where employer and employee can not agree. But he was entirely practical. Congress has not been practical.

In his address to Congress December 5, 1916, the President repeated these recommendations, said that the second and third of these had been acted upon by Congress, and renewed the others, particularly the fifth, which provided for mediation, conciliation, and arbitration of controversies between the railroads and their employees. Let me quote from this message of the President:

The country can not and should not consent to remain any longer exposed to profound industrial disturbances for lack of additional means of arbitration and conciliation, which the Congress can easily and promptly supply. And all will agree that there must be no doubt as to the power of the Executive to make immediate and uninterrupted use of the railroads for the concentration of the military forces of the Nation wherever they are needed and whenever they are needed.

This is a program of regulation, prevention, and administrative efficiency which argues its own case in the mere statement of it. With regard to one of its items, the increase in the efficiency of the Interstate Commerce Commission, the House of Representatives has already acted; its action needs the concurrence of the Senate.

I would hesitate to recommend, and I dare say the Congress would hesitate to act upon the suggestion should I make it, that any man in any occupation should be obliged by law to continue in an employment which he desires to leave. To pass a law which forbade or prevented the individual workman to leave his work before receiving the approval of society in doing so would be to adopt a new principle into our jurisprudence which, I take it for granted, we are not prepared to introduce. But the proposal that the operation of the railways of the country shall not be stopped or interrupted by the concerted action of organized bodies of men until a public investigation shall have been instituted, which shall make the whole question at issue plain, for the

judgment of the opinion of the Nation is not to propose any such principle. It is based upon the very different principle that the concerted action of powerful bodies of men shall not be permitted to stop the industrial processes of the Nation, at any rate before the Nation shall have had an opportunity to acquaint itself with the merits of the case as between employee and employer, time to form its opinion upon an impartial statement of the merits, and opportunity to consider all practicable means of conciliation or arbitration. I can see nothing in that proposition but the justifiable safeguarding by society of the necessary processes of its very life. There is nothing arbitrary or unjust in it unless it is arbitrarily and unjustly done. It can and should be done with a full and scrupulous regard for the interests and liberties of all concerned, as well as for the permanent interests of society itself.

He said substantially that pending mediation and conciliation a strike should be declared to be unlawful. [Applause.] That is the milk in the coconut. Oh, says the gentleman from California [Mr. NOLAN] and other gentlemen, respectable gentlemen—and I am not abusing them at all—oh, let us be good, and we will be good. My God! Were they good out in Central Australia the other day? Are they good all over the country? Oh, yes; the masses of men who live in the sweat of their faces are good—and I have trodden every path that labor is treading and has trod, as a young man, as a boy, as a middle-aged man, and as an old man. They are all my fellow citizens, and I think I have more sympathy for the millions than I have for the few, comparatively speaking, who are the employers.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CANNON. That only shows the unwisdom of trying to talk at all upon this subject in so short a time as five minutes.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 10 minutes.

Mr. CANNON. Oh, no; do not do that.

The CHAIRMAN. The time is in the control of the gentleman from Michigan, the gentleman from Minnesota, and the gentleman from Washington.

Mr. BLANTON. Outside of the agreement I ask that the gentleman from Illinois may proceed for 10 minutes.

Mr. CANNON. Oh, do not do that.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that, notwithstanding the previous order of the committee, the gentleman from Illinois may be permitted to proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none. [Applause.]

Mr. CANNON. Woodrow Wilson, the President of the United States, in his message just before the Adamson bill was passed, made certain recommendations, which he repeated in December, and which I indorsed. I am for turning these railroads back, but I want to turn them back under control and regulation. Are not the railroad employees good people? Oh, yes. I think I have as many of them in my district as any other country constituency, up and down the 120 miles north and south and the 25 or 30 miles east and west. I have miners galore in that district, and the output in my own county is 4,000,000 tons a year, in the township adjacent to the township of Danville. Good people! Oh, I do not know of anybody that is entirely good as an individual except myself. [Laughter.] Other people all have their faults, and the trouble is that while they are good people they do not always agree. Somebody wants to be leader, somebody wants to get a good salary by the thousands of dollars. Take this present difficulty, and it is not yet settled, and I believe it is largely due to a fuss between the leaders. Somebody wanted to continue to be at the head of the shooting match and somebody wanted to get rid of him and overthrow him, and hell was to pay and no pitch hot, and there you are.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Yes.

Mr. JOHNSON of Washington. Is not the trouble, just as much as anything else, the difficulty in making the rank and file follow the leader, and is not that the trouble with collective bargaining?

Mr. CANNON. Oh, I am not antagonistic to collective bargaining, so far as that is concerned. I can quite understand why people should prepare for collective bargaining. I think that it is justifiable.

But all the time they must keep the peace. [Applause.] What nonsense. What are courts for? What is law for? We have not the millennium; I do not know that we will have it. Sometimes I think that if we had the millennium we would go back to barbarism; but I will not discuss that. That is not necessary. If you take my life, or if you take my property, or if you take my friend's automobile over here, are you going to have a compromise? No; that is larceny; that is assault with intent to murder; that is murder. Are you going to have the law, and then if it is repudiated still you go back and be good

and hug and kiss? Shall 110,000,000 people give way to 5,000,000 or 5,000,000 give way to 110,000,000 people? Now, let us have law, let us have mediation, but let it be real arbitration [applause]; and when the award is made, let it be the judgment of the court. [Applause.] That is what Woodrow Wilson recommended. That is what I have always believed in. Why, when I was practicing law in a country circuit we had arbitration and awards, and there was an agreement that it should be the judgment of the court. That is substantially all we need, in my judgment.

Oh, the two plans, the one recommended by the committee and the one recommended by the gentleman from Minnesota, sound very nice. Be good and you will be happy and you will be prosperous, and all that kind of thing. But the trouble is that men get in the lead. Men stand for their interest, whether it is employer or employee, and say, "I will not pay; I will kick out; I will raise hell. [Laughter.] You come under my rod, whether you are 1,000 or 10,000 or 100,000, or I will bust you up." Now, it is for just that kind of thing that you have the law; precisely. If I steal your horse and you can catch me you put me in the penitentiary, yet I am a human being if I steal your horse. Christ died for me. "O, my God, I needed your horse—oh, yes, I needed it—and you have two horses and I will take your horse. But let us get together and conciliate." [Laughter and applause.] Now, I am against this committee recommendation; I am against the proposition of the gentleman from Minnesota; I am for the proposition offered as an amendment by the gentleman from Washington; but it is, oh, not full of teeth; it is not wicked, it is not bad, but it has teeth. I think if I had full power I could dispense with the part that abounds in damages. I think by taking the recommendations of Woodrow Wilson and writing them—and I hope an amendment of that kind will be offered before we proceed to consider this bill—I say again, I hope that pending mediation—I want mediation where both sides or all sides are heard—but pending the award, no strike. [Applause.] That is my platform, and I hope that that may be written into this bill. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAMILTON. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. LUCE].

Mr. LUCE. My warrant for addressing myself to this subject is the fact that some years ago duty brought to me an intensive study of one method to meet this situation. A voluminous correspondence, a visit to the country where the remedy I studied is in operation, conference with men of practical experience with it, have led me to the hope that I may be able to be of service to the House in some small degree by attempting to make clear the nature of the choice that now confronts us. There are three proposals among which to choose. At the one extreme is the proposal of the gentleman from Washington, which can be boiled down to two words—compulsory arbitration. At the other extreme is the proposal of the gentleman from Minnesota, which can be boiled down to two words—voluntary conciliation. In between is the proposal of the committee, which consists of voluntary mediation coupled with a provision for fulfillment of contract. There is a fourth method, the one with which I am particularly familiar, which, if the temper of the House should demonstrate it to be desirable, I may submit in the form of amendments to the committee bill at a later stage. At the moment I desire to oppose both of the amendments and to urge the adoption of the committee bill.

First, then, take the extreme proposal of compulsory arbitration. Time does not permit me to consider it from an ethical, moral, political, or constitutional point of view. I must confine myself to the practical point of view. Regardless of theory, no matter what our own desires or the desires of a large part of the people, the unanswerable objection to compulsory arbitration is that it will not work. It has been tried now for many years in Australasia, and gentlemen who may have acquainted themselves with the more recent literature on the subject will have found that the steady tendency in New Zealand and the neighboring countries that have adopted it is toward its abandonment. They are restricting it more and more, making it the last resort.

A more definite rejoinder to the proposal is found in the recent experience of England, where compulsory arbitration was provided in 1914 under the munitions-of-war act, with a penalty upon any man who struck within 21 days before the dispute had been referred to the board of trade and within 21 days after its report. The result was that in the next 33 months more than 1,500,000 men struck in violation of the law. Had the fine of £5 for each day of strike been imposed on each striker, the penalties would have amounted to more than \$250,000,000. There was no attempt to collect the penalty in more than one-fifth of 1 per cent of the cases of violation of the law. If in war times, when

the patriotic impulses of men could be appealed to, there was this disastrous failure of compulsory arbitration, how is it possible to expect we can apply it here in peace times with any more satisfactory result? Again I say, not because I oppose it on ethical, political, or constitutional grounds, but wholly by reason of the fact that the experience of the world is against it, I must be hostile to the plan embodied in this amendment.

Let us come to the other extreme—the proposition that we tinker up our laws some more in relation to mediation and conciliation.

One gentleman said that this kind of legislation is in the experimental stage. The first law upon this subject, so far as I recollect, was enacted in my own State of Massachusetts in the year 1886, 33 years ago. After 33 years of experiment and of constant attempt to perfect, that law is as useless for all important questions as it ever was. It serves a useful function. It is a good thing for minor cases. It straightens out a good many small tangles. I say no word in criticism of the law or its actual test in my State beyond this, that it does not meet the great crises, and the great crises are those with which we are now trying to grapple.

In national affairs there have now been about 20 years of endeavor to employ this principle. There have been at least two, and I think three, attempts to make it workable in its Federal application. Yet you find yourself confronted by the need of still more legislation.

You say the law has defects. We found in Massachusetts that it had defects. We plugged up hole after hole, and still we found ourselves faced with the fact that the law does not tally with the instincts of human nature, with the workings of the human mind. I shall be very sorry if, when the people ask for bread, we give them a stone—if our only reply is an attempt to fix up an inadequate law that can not in any case accomplish what is wanted, as experience has thoroughly demonstrated.

In between is the committee proposition. Do not understand that I commit myself as wholly in favor of that proposition. It has merit, and of the three it is decidedly the best. It tries to meet one very serious question, the question of whether contracts made by organizations of labor or by employers shall be kept. Who of the foes or friends of labor or of capital can deny the wisdom of the contention that promises should be kept? If we do no more at this session, we should take that step. I favor the committee bill in this particular. But that bill does not fully meet the situation. It will remedy the situation only in part. If, perchance, the House should at this late stage be willing to consider the only remedy yet found anywhere in the world that has proved adequate, I should deem myself fortunate, indeed, if time permitted me to lay it before this committee. It is the Canadian act for the investigation—

The CHAIRMAN. The time of the gentleman has expired.

Mr. FRENCH. Mr. Chairman, I would like to ask unanimous consent, notwithstanding the agreement, that the gentleman from Massachusetts may continue for 10 minutes beyond the time arranged.

Mr. SUMNERS of Texas. I would like to join in that request, Mr. Chairman.

The CHAIRMAN. The gentleman from Idaho [Mr. FRENCH] asks unanimous consent that the gentleman from Massachusetts may continue for 10 additional minutes, notwithstanding the previous order of the committee. Is there objection?

Mr. ANDERSON. Mr. Chairman, I have no objection whatever to the gentleman from Massachusetts proceeding for 10 minutes, but unless we can arrive at some agreement whereby the entire time can be extended I shall feel obliged to object.

The CHAIRMAN. The gentleman from Minnesota objects.

Mr. ANDERSON. I shall object unless we can arrive at an arrangement to extend all the time. The House arranged for the time of the debate and the House has a right to extend it.

Mr. LUCE. Mr. Chairman, may I ask unanimous consent for one minute in order to make a statement?

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for one minute, notwithstanding the previous order for closing the debate. Is there objection? [After a pause.] The Chair hears none.

Mr. LUCE. I do not need the minute. I shall be able in considering the other section of the bill at the proper time, I trust, to explain to the House the Canadian system and to justify, if I can, its operations. [Applause.]

Mr. ANDERSON. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. CARSS]. [Applause.]

Mr. CARSS. Mr. Chairman and gentlemen of the committee, I wish I had more time to talk to you about these great railway brotherhoods that have grown up in the last 40 or 50 years. I have been associated with those men for many years, and I

believe that I can speak with some little authority regarding their activities, and as to what are their objects, aims, and aspirations. These organizations have been formed for the purpose of elevating their members to a higher social, moral, and intellectual plane. They have spent thousands of dollars in educating their men in order that they might be more efficient servants of the carriers, and how well they have succeeded is evidenced by the fact that when any Member of this House gets on a train and lies down in his berth in a sleeper he never gives a thought to the train or the engine crew. That is the highest compliment we could pay to these men. [Applause.]

These organizations, the railroad brotherhoods, have done more to eliminate the use of intoxicating liquors on the railroads than all the reformers and all the railroad managers in the country put together. [Applause.] That fact alone should commend them to the good people of this country. They have built up an organization to protect themselves against injustice, to demand justice and fair dealing. They are safe and sane and conservative. They live up to their contracts, and they never have entered or participated in a sympathetic strike. [Applause.]

The legislation proposed by the gentleman from Washington [Mr. WEBSTER] and by the committee seeks to destroy these organizations. It is not the intention to regulate them, but it is to absolutely and utterly destroy them. If the idea of the gentleman from Washington is carried into effect, the engineers down on the Florida East Coast could declare a strike and the court could take the home of an engineer way up in Minnesota away from him. How long would the members remain in the organization knowing that those things could take place? Under the committee's bill you seek to lay your hands on the funds of the organization. If either of these plans is put into effect, the result will be that the men will leave the organization, because you do not punish nonunion men for striking, and the safe and sane and conservative leadership will be taken away from the heads of the organizations, and you will turn them over to the radicals and the anarchists and the I. W. W.'s, with their red flags and dynamite bombs. [Applause.] That is what you intend to do here if either of these plans prevail.

Mr. RAKER. Will the gentleman explain to us wherein the bill of the committee would practically do away with the brotherhoods under its present provisions?

Mr. CARSS. You can take all the funds of the organization in case suit is entered and judgment is rendered, with the exception of the benefit funds and insurance. Under that bill it is impossible to get an increase of one penny in the wages of the railroad employees unless you can succeed in getting two of the men who represent the carriers to vote with the three men who represent the men on the committee, and that is not possible, as has been proven many times in our past experiences.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that the gentleman have 10 minutes in which to proceed, not to be taken out of the time agreed to.

The CHAIRMAN. The gentleman from California asks unanimous consent that the gentleman from Minnesota may proceed for 10 minutes, if not to be taken out of the time agreed to by the committee. Is there objection? [After a pause.] The Chair hears none.

Mr. CARSS. Under the plan proposed, if the railroad employees would ask for an increase of wages, unless five out of six men who represent the companies and the men voted favorably, there would be a deadlock, and there would be no possibility of advancing the wages.

Mr. RAKER. Right there. That is the reason I wanted the time given to the gentleman. If there is a deadlock, then the agreement that the employees have entered into with their employers stands and the laboring man would get no chance for an increase? Is that correct?

Mr. CARSS. Absolutely, unless he could get it reviewed, and unless he could produce new evidence, it would be impossible to reopen the case.

Mr. RAKER. Under this bill—the committee's bill—is there any method for review?

Mr. CARSS. Not as I understand the bill.

Mr. HAMILTON. Will the gentleman yield?

Mr. CARSS. I will.

Mr. HAMILTON. I understood the gentleman to say that under the committee plan providing for the recovery of the damages for a breach of contract the home of an employee might be taken away from him?

Mr. CARSS. Not under the committee plan, but under the plan of Mr. WEBSTER.

Mr. HAMILTON. I thought the gentleman said under the committee plan.

Mr. CARSS. I have only 10 minutes, and it would take me an hour to dilate upon the many virtues of these organizations which you are attempting to destroy. Under the plan proposed by Mr. WEBSTER the brotherhoods would be put out of business as soon as the members realized what the penalty was for breaking an agreement of which they had no voice in the making.

I wish that I had known that I could get a little more time, because in that case I would have liked to review the record of the men employed on the railroads during the war; how they toiled under obnoxious and disagreeable conditions in order that the troops and the munitions might be transported with safety and dispatch. But unfortunately I have not the time to go into those things.

I will say briefly, however, that when the cause of democracy was in peril, the laboring men of the Republic rallied to its defense. It has been truly said that while our front-line trenches ran through France, our second-line trenches ran through the mines, fields, factories, shipyards, and transportation lines at home. Had we not been able to mobilize the industrial forces of our country, the boys in the front-line trenches could not have put over the punch that made the Hun take the count, and in this great achievement the railroad employees, from the trackmen up to the highest skilled men in the service, played the part of true patriots and 100 per cent Americans. [Applause.]

Now, here is the condition that confronts these faithful servants of the carriers and the public. You took the railroads over because they broke down and ceased to function. I do not know why they broke down. Personally I believe they were starved. Now you are turning them back rehabilitated, with a greater working capital than they ever had before, free from debt for the first time in their history, with a very cordial invitation to ask for increased rates, which I assure you they will accept. [Laughter.] You are turning them back with their revenues fixed for six months, and yet you do not even say that there shall be no reduction in the wages of their employees for six months, and, on the other hand, you insert a provision that will effectively prevent an increase of wages, although the men need an increase in wages far more than the carrier needs increased rates.

This bill is absolutely unfair for the employees, and substitutes this plan for the plan that was agreed to between the railroad administration and the brotherhoods which functioned during the war; the boards that passed upon over 900 schedules, containing 30,000 individual rules, and which made a settlement in every case.

Mr. JOHNSON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. CARSS. Yes.

Mr. JOHNSON of Mississippi. What plan is that?

Mr. CARSS. The plan embodied in the Anderson amendment, and which the employees wish to have adopted. If in the judgment and wisdom of the House you decide to turn the carriers back to private operation, I want to see the carriers turned back in better shape than ever before, so that they can furnish better service to the people than ever before, but I want also to make a plea for justice to the employees, whom you propose to turn back tied hand and foot and powerless to protect themselves.

Mr. WILSON of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. CARSS. Yes.

Mr. WILSON of Louisiana. The gentleman from California [Mr. NOLAN] stated that the brotherhoods would be better satisfied, as I understood him, to eliminate both the Anderson amendment and the provision of the bill, and leave the matter in the hands of the Board of Conciliation and Mediation. Is that correct?

Mr. CARSS. I believe that is right. But in the absence of something better, they would prefer the Anderson amendment to either the plan proposed by the committee or the plan proposed by Mr. WEBSTER.

I hope to see the day when there will be a tribunal set up for the purpose of settling disputes in industry. I want to see a better method than the plan that was invoked during the stone age, when men went around with sheepskin petticoats on, beating each other's brains out with stone axes. [Applause.] If I had my way, I would have a tribunal that did not have on it a single railroad employee or a single railroad manager. I would like to see a unity of control of industry in this country where every factor that enters into industry would be properly represented. I think the general public should have a bigger voice in industry than either capital or labor. [Applause.]

But this is no time to provide that sort of a plan when everything is up in the air, when men's passions are aroused, when the red flag and the red thought from Russia is knocking at our

doors; and if there ever was a time in this country when we needed clear, level-headed, sensible thinking, now is the time. I hope the gentlemen of this body will join the safe, sane, serious men of the railroad brotherhoods, and assist them in defeating radicalism and Bolshevism in this country. [Applause.] I thank you, gentlemen. [Applause.]

Mr. WEBSTER. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. WOOD].

The CHAIRMAN. The gentleman from Indiana is recognized for five minutes.

Mr. WOOD of Indiana. Mr. Chairman and gentlemen of the committee, the gentleman from Iowa [Mr. SWEET], in advocating the Anderson amendment, said, as a recommendation for this amendment, that during the last two years this Board of Mediation and Control has heard and determined some 1,200 labor disputes. He did not inform the committee, however, that during the period of the war there were more than 6,000 strikes in the United States, notwithstanding this Board of Mediation and Control. [Applause.] He did not say that at a time when everybody was expected to sacrifice, when the Nation itself was sacrificing, when 2,000,000 of our boys on the other side of the sea were sacrificing as no one on this side was sacrificing, notwithstanding that fact and notwithstanding this Board of Mediation and Conciliation, there were 6,000 strikes in this country. And notwithstanding the dire condition in which the country is now, there are more than 300 strikes this minute, despite the Board of Mediation and Control.

Mr. McARTHUR. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Oregon?

Mr. WOOD of Indiana. Yes.

Mr. McARTHUR. I want to ask the gentleman how many of those 6,000 strikes were on railroads?

Mr. WOOD of Indiana. I do not know.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. COOPER. I would like to say to the gentleman from Indiana that since the war began there has not been one single strike on the railroads. [Applause.]

Mr. WOOD of Indiana. That may be true. But we have confronting us now a threatened strike of the firemen on the railroads. It is just as disastrous to have that branch strike as any of the rest of them.

Now, on Tuesday I called the attention of this committee to a bill that I have introduced. It is to be found in Tuesday's RECORD, on page 8384. It is House bill 9062. That bill takes into consideration the interests of the public.

The amendment offered by the gentleman from Minnesota [Mr. ANDERSON] has no reference whatever to the interest of the public, and but very little of the interest of the public is cared for in the proposal of the committee. The proposition that I have is not for compulsory arbitration except in extraordinary cases. It does provide, however, that the President of the United States, in his discretion, for the purpose of insuring the transportation and the just distribution of the necessities of life to the public, may order an investigation, and that he may appoint for that purpose a special commission, composed of eminent men qualified to make that investigation, who shall report within 60 days, with all the powers of the court to procure the attendance of witnesses and records, and that they may arrive at a right decision between the contending parties and submit it to the President, the theory being that if there be a wrong, either on the part of the carrier or on the part of the employee, this commission will determine it and report it to the President, and that during that time a means will be found whereby the matter will be determined without injury to the public. Sixty days is ample time unless there is some extraordinary reason, in which event the time may be extended by Executive order. It is provided that in the meantime there shall be no strike or lockout, and that protects the interests of the public for the time being at least, and gives the public this amount of time to prepare for the strike that may come in case the dispute is not settled by the investigation provided for. In my opinion, however, there would not be many strikes occur after such an investigation.

I have always understood that all that labor demanded was that its case should be heard at first-hand. I am a friend of labor and a friend of the unions and am a friend of collective bargaining, but when bargains are made they should be kept. My proposition provides that labor disputes shall be heard at first-hand by men eminently qualified to hear them. I have always understood that all they asked was that their rights might be determined at first-hand by somebody who is not prejudiced against them to begin with. That is provided in the amendment I have prepared, and in the event that something

better is not found before the consideration of this measure is concluded I propose to offer the plan I have suggested. [Applause.]

Mr. HAMILTON. I yield eight minutes to the gentleman from Illinois [Mr. JUUL].

Mr. JUUL. Mr. Chairman and gentlemen, the statement was made to me last night by an honored Member of this House that the committee bill contained clauses that would enable the authorities of this country to take from individual railway men their private property in case of strike difficulties or otherwise. I spent last night analyzing this bill, and because I have analyzed it I want to call the attention of the Members to a few things that I found.

In presenting to this House the so-called Esch bill—H. R. 10453—the committee having had this proposed legislation in charge has solved, or at least honestly tried to solve, one of the greatest problems confronting the Nation.

I sat here in the House during the entire delivery of the introductory speech by the gentleman from Wisconsin [Mr. Esch], chairman of the committee, and I marveled at the amount of work performed and at his grasp of the situation, and last, but not least, his unfailing memory, which permitted him to speak extemporaneously on this subject for nearly three hours.

I hope that both the chairman and the members of the committee will understand that it is no discredit to them that in certain particulars Members of this House may disagree with them.

I have nearly agreed with the committee until I come to page 22, Title III, headed "Disputes between carriers and their employees," and even there I can go along with the committee all the way from page 22 to page 36, and then I commence doubting the wisdom at this time in enacting into law paragraph C of section 136, which contains what I would call the enforcement clause of Title III, and there I am just in doubt as to the wisdom of placing that paragraph upon the statutes of the United States. And still I want to call attention to this, that judging from correspondence and otherwise a great deal of misunderstanding exists concerning this paragraph. It does not, as a great many people think who have had no opportunity of studying the bill, provide that the little home or cottage of the workman may be taken from him by this law, as I was told by an honored Member of this House. I want to emphasize the statement that I find no such clause in this bill.

What the bill does provide—see page 37, from line 2 to 10—is that no action for such damages shall abate by reason of the death, resignation, removal, or legal incapacity of any official or member of such union, or by reason of any change in the membership thereof; such action may be commenced and prosecuted against the union in its recognized group name, and satisfaction of any judgment rendered against the union shall be limited to the common property thereof; and no insurance, pension, or other benefit fund shall be held a part of such common property.

So according to this the holdings or the property of any individual is not involved, nor his insurance, pension, or other benefit fund.

Just now it is a great misfortune that the outburst of lawlessness all over the country by many is being debited against the toilers of the country. Men who dynamite and murder can in no way nor by any stretch of the imagination be debited to labor in this country, either organized or unorganized, and we are going to make a mistake if we try to fetter the men who wish to lift up themselves and their fellows along lawful and orderly lines because of outbursts of disloyalty and crime in spots.

The Congress has shown on many occasions its ability and power to cope with any situation that may arise, and it will continue to do so. The great problem at present is to distinguish between those who seek to change conditions along constitutional and legal lines and those who seek to destroy and change things by force.

Personally I think I know the railway men. I have lived for 40 years within a few minutes' walk of one of the greatest railway yards in the greatest railway center in our country. I have come in contact with many men who run trains in and out of Chicago, and I know of no class of men that I would rather trust with my life or property than I would the employees of the carriers of our country, and I am mighty anxious that this law contain something that will secure desired results without arousing the ill will of a great number of our most useful citizens.

Gentlemen, I am afraid that a great deal of misrepresentation as to what this bill contains has gone out into the country at large. If the bill contained what letters indicate that the people think it contains, we could not in justice to the workingmen

of the country vote for it. But I think misrepresentation has made the Esch bill look entirely different to the people on the outside than it looks to us. [Applause.]

Mr. ANDERSON. I yield three minutes to the gentleman from Pennsylvania [Mr. BURKE]. [Applause.]

Mr. BURKE. Mr. Chairman, there are two substitutes affecting this bill before this body—one the substitute offered by the gentleman from Washington [Mr. WEBSTER] and the other the substitute offered by the gentleman from Minnesota [Mr. ANDERSON].

The substitute of the gentleman from Washington [Mr. WEBSTER] is so un-American in principle as to be unworthy the serious consideration of this American Congress. Mr. WEBSTER, with his substitute, is anxious, eager, and willing to place the chains of slavery on 2,000,000 railroad employees, but I doubt very much if he will find a majority of this Congress anxious and eager and willing to cooperate with him in his efforts.

The men who man the trains of the great transportation companies—the men who are operating in the towers, the men in the yards, the great mass of railroad employees who would suffer and be penalized and shackled under the Webster substitute—are all men with pure red American blood in their veins, just as good American citizens, just as loyal American citizens, as you or I, and I want to say I yield to no one in my loyalty to my country and its flag.

The men in transportation service are the custodians of life and property; every member of the crew feels keenly the responsibility of his position; each has his important work and place; each is the captain of his own job; he is not inexperienced, but is trained by years of experience for the position and responsibility assumed.

When you board a train your life is in the keeping of that crew; while you are sleeping you are safeguarded and protected by the men in charge of the train—men who are alert and watchful for the safety of the train and the lives of the passengers committed to their care. The very worst thing that could be done—the worst calamity that could happen—would be to oppress and enslave the railroad men; the heart love they have for their work would be destroyed. And let me say, further, that if by any remote chance the Webster substitute were enacted into law, I do not believe the railroads of the country could find, hire, or keep enough men to operate the trains, for there are few men in America willing to surrender their American birthright of freedom in order to work for railroad corporations.

The second substitute, the one offered by Mr. ANDERSON, from Minnesota, is, in my opinion, a just and fair one, and I believe will be acceptable to both labor and the public. It will be a hard matter, and a difficult one, to convince the American people that it is just to return the railroads to private ownership, well looked after and generously financed, and at the same time return the men the Government took over as free men, shackled with the chains of slavery. By such an act Congress would record itself as protecting and favoring property rights above human rights. I am for the Anderson amendment, because, as I stated, I believe it is both just and fair. [Applause.]

Mr. WEBSTER. I yield 14 minutes to the gentleman from Pennsylvania [Mr. STEELE].

Mr. STEELE. Mr. Chairman, three propositions are submitted for the consideration of the committee. I propose in the limited time allotted to me to consider the public aspect of the different amendments proposed.

First is the committee bill itself, which provides an elaborate system of machinery for the adjustment of labor disputes. There is nothing in the bill, however, which, to my mind, provides an adequate protection for the public. [Applause.] Even during the period for the consideration of the disputes that may arise, by the adjustment board or the board of labor appeals, there is nothing to prevent an outbreak and a complete tie-up of the transportation systems of the country. Neither is there any provision in the so-called Anderson amendment meeting that point of view. The Webster amendment does meet that situation; but there may be some doubt as to whether the House will feel like going to the extreme proposed by the Webster amendment.

Considering these amendments and considering what should be the duty of the House under these circumstances, to provide an adequate protection to the public when a crisis of the kind to which I have just referred confronts it—that is the question to which I wish to address myself at this time.

First, what are the rights of the public? I do not propose to go into an elaborate discussion of that question, because, to my mind, it is completely settled by the decision of the Supreme Court in both the Adamson case and the Debs case. In the Adamson case it will be recalled that in the opinion of Judge

McReynolds he summarized what was actually decided in that case, and he states that under that decision it is within the power of Congress to fix either a minimum or a maximum wage or to provide for compulsory arbitration. So that, so far as the legal aspects of it are concerned, this Congress possesses full power to provide for the protection of the public, even to the limit of what is provided in the amendment of Judge WEBSTER if it sees fit so to do.

To my mind, however, it may not be wise to go to that limit. What are the remedies that should be provided, and what is the grievance of the public under the circumstances? From the last census it appeared that 46 per cent of the entire population of the country resided in cities and towns, and in five of the States 75 per cent of the population lived in towns. So that it can be stated that 55,000,000 of the people residing in this country are absolutely dependent upon the transportation systems of the country to supply them with the necessities of life. Take, for instance, if you will, New York City, that great center of population, with its 6,000,000 people. There is not at any one time more than probably a two-weeks supply of fuel and food in that city. There is not enough milk in the city of New York to feed the babies for 48 hours. And what confronts New York City confronts every center of population in the country in a lesser degree.

Now, the public, this 55,000,000 people dependent upon these transportation systems, are they entitled to consideration in providing a remedy for the settlement of these disputes? To my mind they are, and I entirely agree with what ex-Speaker CANNON said in reference to the proper adjustment of that matter.

My friend from Illinois referred to what President Wilson said in his message previous to the passage of the so-called Adamson bill. He did not have time to refer to it in detail, but I have here a copy of not only what he said at that time, but what he elaborated on subsequently in his annual message to Congress in December, 1916. What he said at that time was so well said that I will take the liberty of reading an extract from the message on that subject. He said:

I would hesitate to recommend, and I dare say the Congress would hesitate to act upon the suggestion should I make it, that any man in any occupation should be obliged by law to continue in an employment which he desired to leave. To pass a law which forbade or prevented the individual workman to leave his work before receiving the approval of society in doing so would be to adopt a new principle into our jurisprudence which I take it for granted we are not prepared to introduce. But the proposal that the operation of the railways of the country shall not be stopped or interrupted by the concerted action of organized bodies of men until a public investigation shall have been instituted which shall make the whole question at issue plain for the judgment of the opinion of the Nation is not to propose any such principle. It is based upon the very different principle that the concerted action of powerful bodies of men shall not be permitted to stop the industrial processes of the Nation, at any rate before the Nation shall have had an opportunity to acquaint itself with the merits of the case as between employee and employer, time to form its opinion upon an impartial statement of the merits, and opportunity to consider all practicable means of conciliation or arbitration. I can see nothing in that proposition but the justifiable safeguarding by society of the necessary processes of its very life. There is nothing arbitrary or unjust in it unless it be arbitrarily and unjustly done. It can and should be done with a full and scrupulous regard for the interests and liberties of all concerned as well as for the permanent interests of society itself.

[Applause.]

Now, with the machinery that is provided in the committee bill for the arbitration of these various disputes, I would have no quarrel if one of the features contained in the amendment introduced by Judge WEBSTER should be incorporated in the bill itself. It seems to me if that were done it would offer the public the protection which was suggested by the President in his message just read, which was also that of the gentleman from Illinois [Mr. CANNON] as well as the gentleman from Indiana [Mr. Wood].

What should that be? It is provided in the bill that the adjustment board should receive disputes submitted to it. It seems to me that all disputes of this character should be submitted to that board, and that that board should act upon them as speedily as might be and within a reasonable time.

My own judgment is that 90 days would be adequate, but there should be a time provided afterwards also for the making of the findings of that board public, so that the public should understand the real character of the dispute, because it is already provided in the bill that as soon as the decision is rendered it shall be certified to the parties to the dispute and also to the President of the United States. So, during a period of 15 days, I would provide that the President of the United States and the public would have ample notice of the real character of the dispute between the employer and the employee, and there would be a further time to possibly settle the matters in dispute and prevent a general tie-up.

I would hesitate to extend that, possibly, to all subjects of transportation, but in a general way my own thought would be

expressed as follows. I am simply trying to arrive in what I am reading to you now to what would be, as far as the public is concerned, the first step in that direction and which would meet the conservative minds in the House. My suggestion would be this:

SEC. 320. Prior to submission of a dispute to the adjustment board and until 15 days after a final decision of the adjustment board or the board of labor appeals, which shall be rendered within 90 days after such submission, it shall be unlawful for any carrier, or president, vice president, manager, director, attorney, representative, or agent of such carrier to declare or cause a lockout or discharge of the employees of such carrier, or for two or more employees of such carrier to conspire or agree or combine to strike or withhold their services from such carrier, so as in either case to prevent, hinder, restrain, or retard the transportation by such carrier of food, fuel, or clothing.

Nothing in this section shall be taken to abridge the right of any individual to quit his employment.

The purpose of that amendment is that within a 90-day period the respective boards might have a dispute under consideration, and for 15 days thereafter, first, an absolute prohibition as to a lockout, and, second, an absolute prohibition on the employees to combine or conspire to withdraw from the service of the company so as to prevent the transportation in the United States, to which I have referred.

Mr. FESS. Will the gentleman yield?

Mr. STEELE. I will.

Mr. FESS. Since the gentleman's amendment does not provide for the machinery, where does he intend to get it?

Mr. STEELE. I would make this an additional section to the committee bill. The machinery is provided in the bill for the consideration of the dispute.

Mr. FESS. The gentleman would not make it an amendment to either substitute?

Mr. STEELE. No; I would make it an amendment to the committee bill.

Mr. FESS. In that case you would have the machinery to settle the dispute, and during the pendency of the adjustment neither a lockout nor a strike would be permitted.

Mr. STEELE. That is correct.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. STEELE. I will.

Mr. NEWTON of Minnesota. My recollection of the provisions of the committee bill is that there is a possibility of a deadlock, because it does not require a representative of the public. If the public has no voice in the proceeding and no vote, and if they could not come to a decision there would be a deadlock.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. HAMILTON. Mr. Chairman, I yield three minutes to the gentleman from Texas [Mr. BEE].

Mr. BEE. Mr. Chairman, in the limited time allowed me I will not undertake to discuss the difference between the committee bill and the substitute offered by the gentleman from Minnesota, but I will undertake to register in a few words my opposition to the amendment offered by my good friend from Washington [Mr. WEBSTER], for whom I have not only profound respect because of his ability but a great fondness personally.

I want to submit to this House that we ought not to be swept away by the immediate conditions as to the present state of affairs, which may result in continued turmoil. The time is not far past when labor in this country was a mere commodity, a chattel in the hands of the great concerns that employed it. The war came along. New adjustments and conditions were brought forward, and we have been swept by some radical elements among the laboring people to, in some instances, an opposite extreme. I hold no brief for capital or for labor organizations as such, but I do claim the right to speak a word in behalf of the great public in this country, which is tired of the turmoil and the controversies that exist.

Under the amendment of the gentleman from Washington [Mr. WEBSTER] a group is denominated as any two or more, and a strike is an abandonment of employment by two or more. Let us say that the gentleman from Washington and myself are working for the Santa Fe Railroad, and for reasons peculiarly our own, sufficient unto us, we decide to quit the employment.

Under the provisions of this law we constitute a group and we can not only be penalized but we can be haled into the courts of the country by the corporation for which we are working and deprived of our property because we have exercised the right to quit the employment. That is not all. This bill gives a laboring man the right to sue the corporation only, and not the officials, and it gives the corporation the right to sue the laboring men and each one, and I can not imagine a condition more conducive to controversy and strife, a condition more impossible than for men who are working for a railroad to be haled into court to be sued for damages by the railroad, or vice versa. Under such a condition you would have none of that era of peace that sometimes looks impossible but for which

we all hope. You will have it, to some extent, however, when you create a board, no matter how constituted, to whom these questions may be submitted. I do not care whether their judgments are final or not, or whether there is the right of appeal or the power to enforce them, for I say to you that the force of public opinion will be the controlling element. The coal strike was settled, not entirely by the decision of Judge Anderson, but it was settled because the overwhelming public opinion of the country was against the coal miners, and they did not dare to controvert it. In all controversies, whenever the force of public opinion asserts itself, no man and no set of men, no corporation, no organization, or anything else can stand against it.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. BEE. I am sorry, but I can not yield.

Mr. SNYDER. Just for a short question.

Mr. BEE. I can not yield.

Mr. SNYDER. I would just like to ask the gentleman one question.

Mr. BEE. I am sorry; I have not the time. All of us who practice law know that the force of public opinion in many instances controls the judgment of the juries of the country. Whenever men differ upon the questions of employment or the standard of wages, and submit these differences to a board for settlement and discussion, those who decline to accept the judgment of that board, merely by the power of public opinion and persuasion, will be driven from their position, because the public will not stand for it, and that in the effort to resort to force is the evil of the amendment of the gentleman from Washington [Mr. WEBSTER], which I hope will not be adopted. In addition there is no necessity for penalizing the railroad men of this Nation. There is not anywhere a more loyal and intelligent class, and they do not and will not deserve the proposed stigma. [Applause.]

Mr. ANDERSON. Mr. Chairman, I yield two minutes to the gentleman from Pennsylvania [Mr. KELLY].

Mr. KELLY of Pennsylvania. Mr. Chairman and gentlemen of the committee, there are three proposals before us in the consideration of the labor provisions of this railroad bill. The endless variety of interpretations and explanations being offered, the vast differences of opinion as to the meaning of certain provisions, simply prove the folly of undertaking such a task in haphazard fashion.

This title 3 of the bill is the most involved and obscure of the entire measure. No Member here can explain exactly how it can be carried out, and I contend that it can not be carried out at all. I feel confident that it would break down of its own weight.

The Webster proposal means that railroad workers in Pennsylvania may be stripped of home and property and savings because of the actions of men in California. It plants explosive mines in the path of organizations of railroad employees, and makes their destruction certain.

If either one of these plans is enacted into law, the words of old Omar may well be applied by the railroad workers to this Congress:

Oh, thou who didst with pitfall and with gin
Beset the road I was to wander in,
Thou wilt not with predestined evil, round,
Enmesh my path and then impute my fall to sin.

Nothing can justify Congress in passing legislation which makes violation certain, and then penalizing the violation.

The committee in its report says:

After hearing numerous witnesses, and after a full view of the situation, your committee deems it unwise to include in its plan an antistrike provision. Believing in the potency of public opinion, based upon the findings and recommendations of a disinterested tribunal, the committee advocates the plan of conciliation and arbitration.

Yet, in the bill itself, the proposal is to overthrow the entire machinery of collective bargaining, which has been successfully operating for 30 years between railroad corporations and the unions, and to set up boards which shall make final decisions, violations of which shall mean suits for damages. Countless disputes will surely be brought to the boards which in the past have been settled without difficulty between committees representing the unions and the companies. The bill provides that any dispute can be brought before the boards on the written request of any three members of the adjustment board. In view of the fact that there are 17 representatives of the corporations on that board, it is easy to see the result of such a provision.

Then section 316 provides that decisions of both the adjustment board and board of labor appeals shall remain in full force and effect until modified or repealed by a subsequent decision.

Now, that may mean something different from what it says, and I have heard such statements here, but I believe it means what the words mean, and that it is in effect an antistrike

provision. I can conceive that under it a long-out-of-date decision, formulated under vastly different conditions, might be made to apply simply because the boards could not agree on a subsequent decision. The possibility of deadlock is surely not an idle fear when it requires five members out of six to make a decision.

In any case, Mr. Chairman, if any decision is violated by members of labor organizations, then the labor organizations are liable for the full damages to the railroad companies.

What does that mean? It means, in the end, absolute destruction of the labor unions. All their common property, buildings, and goods of value are liable to seizure. There would be perpetual litigation and endless lawsuits with their attendant costs. The advantages of mutual cooperation and support, of collective bargaining, would be lost, and union members, finding themselves at a disadvantage with nonunion members, would be compelled to quit the organizations which have been built up on safe and sound foundations for many years.

For, mark you, the penalties can not be imposed upon non-union employees. The committee plan pays no attention to any violations of contracts and decisions except those of members of unions. It is a deliberate discrimination, which is unworthy and unjustifiable.

This is especially true when it is remembered that the outstanding act of the labor policy of the Railroad Administration during the period of Government control of the railroads was General Order No. 8, issued February 21, 1918. That order was as follows:

No discrimination will be made in the employment, retention, or conditions of employment of employees because of membership or nonmembership in labor organizations.

Director McAdoo, in his report for 1918, points out the benefits of such a policy, which should have been adopted long before by the private companies simply as a matter of fair and square dealing. No single individual can meet on terms of equality a mighty corporation, which tells him to take the job or leave it. The rights of workers to organize and to bargain collectively, through representatives of their own choosing, should be fundamental in every industry in America.

Mr. Chairman, the supporters of both the committee and the Webster proposals say that they have great confidence in the railroad workers of America. I will admit that they have, but it is a curious kind of confidence. Their confidence is simply that the workers who man the mighty railroad system of this country will never be troubled with the disease of thinking—that malady of the mind which leads to discontent and betterment.

I have confidence in them also, but because they are thinking, intelligent Americans, who know their rights, and, knowing, dare maintain them. I tell you that they are red-blooded American citizens, not tigers, to be bound with chains. In fact, just because they are Americans, the chains are likely to make them tigers.

Mr. Chairman, the third proposal, known as the Anderson amendment, is far the best of the three. I shall vote for it in preference to these others. I do believe that no provision of this nature should be incorporated in this bill. By this measure Congress turns back the railroads to the hands of the private owners. If that is to be done, surely the workers on these roads should go back to private employment as free as when they were taken over by the Government.

With all my heart I subscribe to the belief that the public interest is greater than the interests of either capital or labor groups. It must be so, if this Republic is to endure and carry out the ideals of its founders. The Government is the organization which represents the public, and the public includes all the groups and more.

Because I believe that all these groups should be compelled to serve the general welfare, I believe that this bill to return immediately the railroads to private hands is wrong and should not be enacted. We should provide instead for a continuance of operation by the Government for at least two years more, so that a fair and comprehensive solution of this problem and all others connected with transportation might be worked out on the sole basis of advancing the public good.

Oh, I know the tremendous cry that is going up now that these railroads be turned back at once. Vast interests which are financially interested in these natural monopolies are anxious to have once more the opportunity of levying tribute on all the people, and they bemoan each day that passes without such power. Many other persons, too, believe that a return to private hands will mean a reduction in the railroad rates, which enter into the cost of every article used by the people.

But when the people realize that this bill validates every dollar of the fictitious securities ever issued by these roads

and that they will be compelled to take the burden on their shoulders, there will be a wondrous change. When the people realize that all the cash grants and bond issues by cities and counties and States, all the land grants of millions of acres of the public lands are to be capitalized and interest and dividends paid by the public, there will be a new feeling. When the people learn of the increase of freight rates which is invited in this measure and which will mean additions to the skyrocketing prices of every necessity of life, there will be a new cry for action on a vastly different basis.

Director General Hines says that an advance of \$1 in freight rates means an increase of from \$3 to \$5 to the consumer. It is estimated that an increase of 25 per cent in freight rates means \$875,000,000 to the railroad companies, and that would mean \$4,375,000,000 to the consumers of America.

That increase will certainly come under private control. I believe the people have the right to learn, in two years' experience under continued Federal operation, whether the roads can be profitably operated at the present freight rates. Right now the Railroad Administration is earning a surplus for the Government. The reports show for July a clear gain over all charges of \$2,316,501, and for August a clear gain of \$16,296,025. This means that the receipts are paying all operating charges, including maintenance and the unjustly high rental charges to the railroad companies, and there is a balance for the Government over and above all these expenses.

Mr. Chairman, when the railroads under private control lost money they were plunged into receiverships, the railroads were sold, the stockholders frozen out, and a new start made, to end in the same way. When the railroads under Government control, facing the chaos of war conditions, lost money there was a deliberate attempt to discredit the Government and to compel the return of the roads to those who begged the Government to come to their rescue in their pitiful collapse at the time of greatest need.

When the great challenge of Prussianism came and America pledged all she possessed to the task of making democracy safe around the world, the railroads were found in a state of collapse, utterly incapable of performing the tasks of transportation in the testing time.

They were inefficient, badly managed, lacking in equipment, and incapable of borrowing the money needed.

There was a reason for this situation, but it was not the reason being parroted by every special pleader for the railroads, that restrictive legislation and regulation had prevented proper maintenance and expansion.

One thing is sure, in the day of greatest need, when America's future was at stake, it became imperative for the Government to take over the railroads, while owners, frightened by war-time demands, chorused approval of the step.

Out of the chaos the Government, welding the multitudes of railroad lines into a unified system, successfully met an unprecedented demand upon transportation facilities.

From January, 1918, to November 10, 1918, a total of 6,496,150 troops were moved over American railways, 4,038,918 being transported on special trains. These movements required 193,002 cars of all types, including 167,232 coaches for draft and regular train movements. This extraordinary problem was solved successfully and the troops were transported almost without accident.

In January, 1918, came a cry from our allies in Europe that they must have 75,000,000 bushels of wheat in order to prevent famine from making Prussia's drive on freedom successful. The safety of the world hung in the balance. As Director General McAdoo says in his report, "The problem was met. By March 15 the vessel capacity of the Allies had been satisfied and there was available at North Atlantic ports an excess on wheels of 6,318 carloads of foodstuffs, exclusive of grain on cars and in elevators."

In the period from July to November, 1918, 135,000 more cars of grain were handled than in the same months in 1917, showing the enormous extra strain placed upon the railroads by this one item alone.

In the movement of coal a great and difficult task was met. During the first 10 months of 1918 an increase of 37,082,300 tons were handled over the corresponding months of 1917.

Mr. Chairman, I maintain that the people have the right to know the facts in the railroad situation in America. Two years' continued operation by the Railroad Administration under normal conditions will give us the comparison which is absolutely necessary.

In that time we can end the conditions which have prevented a fair test during the war. The Government said to the railroad companies, "Run the roads and Uncle Sam will pay all your expenses and guarantee your profits besides." Little wonder that many officials piled extravagance on extravagance, padded

the pay rolls, and did everything possible to prejudice the American public against Government control. In the very nature of things, the full measure of efficiency and accuracy was impossible.

Still the reports of the directors of the various regions for 1918 show great savings. The report of the director of the eastern region shows \$23,248,000 savings over 1917 in the following items: Unification of terminals and stations, elimination of passenger service, reduction in organization as contrasted with the same under private control, and miscellaneous economies.

The northwestern region for the year 1918 shows savings of \$34,233,282.

The central western region shows savings of \$25,811,512.

The southwestern region shows savings of \$9,730,833.

The Pocahontas region shows savings of \$2,336,945.

The Allegheny region shows savings of \$15,110,260.

The southern region shows savings of \$7,975,915.

The reports for 1919 will, without doubt, show greater economies, and we should have all the facts before finally determining our railroad policy.

There are so many phases of this problem that vitally concern the public that hours would be required to deal with them. There is the relation of the railroad companies to great banking syndicates. There is the relation of the railroads to our foreign trade. There is this problem of the relationship of employees to these public-service corporations. They should all be studied carefully and acted upon wisely for the sole purpose of advancing the public interest. By continuing Federal control for two years these problems could be solved in the light of facts which will never be available if this railroad bill is rushed through now.

There is one phase that should not be overlooked. It is the question of saving life and limb in the operation of American railroads. I believe the people of America want to know whether proper care and safeguards would lessen the fearful toll of human life exacted by railroads in the past.

Is it true that railroad corporations have not figured the cost of human life, except as it meant money payment? Is it true that they have opposed safety devices because of the cost in money and regardless of the saving in life?

I remember that such a statement was frankly made before the Committee on Interstate and Foreign Commerce of this House in 1914, when the safety on railroads bill was under consideration.

Charles J. Faulkner, counsel for railroad companies operating 227,000 miles of railroad lines, opposed any kind of legislation for safety appliances. He declared that it was utterly impossible to regulate safety by statutory rules, and that in any case it is unwise for Congress to require the adoption of any device until it is proved to be a safe and practical appliance. In other words, he would not accept anything until it was proven good and would not try it to see if it was good. The old advice relative to learning to swim without going near the water is comparable with this advice from the eminent railroad representative.

W. J. Eck, signal engineer for the Southern Railroad, at that hearing bemoaned the cost of putting in automatic signals. When asked if such action would not save human lives, he replied:

There is, without doubt, a saving due to putting in automatic signals, due to the fact that wrecks and fatalities are prevented, but it is a saving you can not capitalize in any way.

That is the crux of the matter. You can not capitalize the saving of life and limb, and therefore away with the saving.

Still it should be realized that the greatest assets of a nation are its men, women, and children and the conservation of their lives and limbs and health is good business for the Nation.

The bureau of railroad news and statistics, an organization of the railroads themselves, in its annual report states that in 1916, 10,001 were killed and 196,722 were injured in railroad accidents. In 1917, 10,087 persons were killed and 194,805 were injured.

Think of an army 200,000 strong marching down the street on January 1, the bloom of health and strength on their brows. Then imagine that same army on December 31 of the same year, every member of it either done to death or wounded, and you will have some idea of the annual price America has paid in the past.

Two years of railroad slaughter means the death and disabling of more human beings than were listed as casualties from American participation in the greatest war of all times.

I find that the Railroad Administration very early recognized this important work. Hiram W. Belknap was made manager of the safety section and began a complete organization work.

In his address before the National Safety Council at St. Louis, September 17, 1918, he said:

Immediately upon the creation of the safety section, questionnaires were sent out to all class I railroads, calling for information regarding the different kinds of safety organizations, their relative efficiency, and the scope of their activities.

From the replies received it became apparent that to a large degree there was no uniform or well-defined method in vogue, and with the exception of a limited number of roads safety work was supervised by no particular officer, the result being that what was "everybody's business was nobody's business." On some railroads, after a trial, safety work was subordinated to something more important; this created in the minds of the employees in many instances the thought that the effort was not sincere and the general idea prevailed that safety work was prompted solely by selfish motives.

Under Federal control a comprehensive safety program was adopted. The employees responded with a will; all the great railroad workers' organizations passed resolutions of support.

The result is shown in the reports of the Railroad Administration.

There were 1,389 fewer persons killed in the first seven months of 1919 than in the first seven months of 1918. There were 22,106 fewer persons injured during the same period.

During those seven months of 1919, 115,665 dangerous conditions were abolished through the efforts of the safety section.

Mr. A. F. Duffy, present manager of the safety section, writes me under date of November 12, 1919:

We have just closed the national railroad accident prevention drive, covering the period of October 18 to 31, which shows a net decrease of 2,932 casualties compared with the same period of 1918, or an average of 56 per cent accident reduction over all railroads in the United States.

To-day the safety section of the United States Railroad Administration has a permanent organization of 1,700 committees and 27,000 committeemen, composed of 8,730 officers and 18,720 employees.

Mr. Chairman, I believe that a fair test will prove that fully one-half of the carnage which has crimsoned our railroad record in the past is unnecessary. Saving 5,000 lives a year and preventing 100,000 injuries is possible. Measured only in dollars and cents that would be a larger dividend to America than all the melon cuttings in any year of the past.

To turn these railroads back now in the midst of the mighty accident-prevention drive inaugurated by the Railroad Administration is a great mistake. It will result in a return to the conditions when human life and limb were the cheapest commodities entering into the operation of the railroads.

One of the greatest problems of our reconstruction era is this railroad question and establishing the proper transportation policy for America. Upon the solution depends in large degree the welfare and prosperity of all the people. The program finally adopted should be one for the benefit of the average man without influence and privilege, not for any particular class or special interest.

Mr. Chairman, I do not believe this measure contains such a program, nor do I believe that this Congress can formulate such a program in a single week's consideration. It would be the part of wisdom to extend the period of Federal control under normal conditions until the lawmaking body, with all the facts before it, might adopt a satisfactory solution of the railroad problem as the keynote of national reconstruction.

By unanimous consent leave was granted to Mr. BURKE and to Mr. SWEET to extend and revise their remarks in the Record.

Mr. HAMILTON. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. COOPER].

Mr. ANDERSON. Mr. Chairman, I yield the gentleman from Ohio eight minutes.

The CHAIRMAN. The gentleman from Ohio [Mr. COOPER] is recognized for 13 minutes.

Mr. COOPER. Mr. Chairman and Members of Congress, it is to be assumed that it is the intention of Congress to return the railroads in substantially as good a condition as when they were taken over by the Government at the beginning of Federal control and to provide reasonable, fair means for financial assistance. This principle should appeal to every American citizen. Likewise, it seems that labor should receive the same fair consideration, and the provisions of the Anderson substitute seem to guarantee to labor the same fair consideration as is guaranteed to capital by maintaining the same relations that exist at the present time as between the railroads and the employees by the continuation and recognition of the present rates of pay, schedule rules, and agreements as they have been in effect.

When the international situation became serious in this country the railroad employees were the first ones to rally to the support of the Government by declaring a truce and forbidding the men to make any demands or to handle to a final conclusion any dispute arising between the carriers and the employees. Immediately after war was declared all the railroads were taken over by the Government, and the railroad brotherhoods pledged themselves to the support of the President and the Government of the United States and entered into

agreements with the Government that there would be no strikes and provided for the establishment of tribunals to handle labor disputes. These boards were organized, and in a period of less than a year and a half they handled more than 3,100 disputes arising, on which a unanimous vote of the boards was had.

The railroad brotherhoods guaranteed to the employer that if any of the men practiced an illegal or unauthorized strike that they would be expelled from the organization and men furnished the employers to take the place of such striking employees.

There have been created under Government control three railway boards of adjustment, which the Anderson substitute proposes to perpetuate by simply transferring from the Railroad Administration to the Government, by statute, these boards, giving them legal status, and it is only a simple matter of transferring the organization of these boards, their present efficient clerical forces, and so forth, to the Government, and the continuation of the plans already in effect.

This is a simple matter and will save time and expense in the organizing of new tribunals which are not now in existence. The provision of the Anderson substitute is a guaranty that there will be no strikes or lockouts until after two boards have had an opportunity to review and pass upon a question, which is going further than has ever been heretofore, as no one has ever ventured to provide for more than one tribunal to adjust these disputes. In substance, it means to turn over the railroads to the private owners and prevents any changes in working conditions or other conditions of employment until every effort has been exerted between the employees and their employers by direct negotiation, and then if a dispute arises and the parties are unable to agree, it goes to the railway board of adjustment; and then if no decision is had by the railway board of adjustment, the matter is referred to a commission on labor disputes, who shall hear and decide the question.

This is the culmination of more than 50 years' efforts on the part of the carriers and their employees to perfect a plan that will absolutely guarantee to both parties a fair and equitable adjustment of any matter that can not be adjusted between the parties themselves, and creates the ideal condition for which the people of this country have looked for more than a quarter of a century; therefore the Anderson substitute should, by all means, prevail and become the law if it is the desire of Congress to place on the statute books a real workable plan.

The provisions of the substitute provide for practical, experienced men in each and every instance to hear and determine the questions of dispute as they arise, and if this substitute becomes effective it will do more to destroy the principles of the radicals in this country than any one thing that has been done or perhaps everything that has been done so far, and it will be the final and fatal blow to radicalism and Bolshevism, in so far as the transportation industry is concerned, and will be accepted by the employees on the railroads as a constructive, fair, and reasonable solution of the adjustment of labor disputes.

Mr. Chairman, there has been a great deal said here to-day about violation of contracts. I desire to say to the Members of the Congress that so far as my own personal knowledge informs me, the railroad employees of the four brotherhoods have never violated a contract which they have made, and they never will. When they make a contract, it is binding as far as they are concerned, for they are loyal, patriotic American citizens; and, without casting any reflections on any other class of workmen, I want to say that of the 110,000,000 people in our land, there is no class that is more law-abiding, patriotic, and intelligent than the railroad employees. [Applause.]

The life of the railroad employee is not always one of sunshine. Their working conditions and hours of service are vastly different from that of the average American workingman. They are always on duty, waiting to be called at any hour of the day or night, and on their service depends the very life of our Nation; and while I have the kindest of feeling for the gentleman from Washington, Judge WEBSTER, and I will not question his sincerity and honesty of purpose, I had hoped he would not go as far as his amendment seeks to go in penalizing railway employees.

Now, sirs, let us for a moment follow the work and life of the railroad employee on one of the great transcontinental trains running from Chicago to the Pacific coast.

We go down to the station to take the 10 p. m. train for the West. We pass through the gate; the guard informs us our train is on track No. 7. If we walk up to the head of the train we will stand alongside of a powerful locomotive of the super-heater type. Yes; there she stands, puffing, and the safety valve is hissing, and it seems as if that powerful machine is anxious to start on its journey. Walking around the engine with a torch in hand is a man in overalls, the engineer; he

is looking at this bolt and that set screw, seeing that everything is tight, dropping a little oil here and there. His weather-beaten face shows the marks of many a storm, but his countenance is noble, his eye is clear, but above all else he is an honest, sober, American workingman; if he was not such a man, you would not ride on that train. Then there is the fireman getting ready for his trip; the flagman and trainmen are standing at attention down the line ready for the command. The conductor, kind, genial fellow, has his watch in hand, and at the exact time of leaving he shouts "All aboard," the engineer looks to see if the block is clear, and the train is on its way to the West. All through the night the train speeds on at the rate of 60 or more miles an hour, across the prairie States and through the mountain passes toward the Pacific coast. There are hundreds of passengers on the train who must be safely carried to their destination; they are sleeping in their berths, and little do they know about the responsibility that rests upon the employees of this train. Every few minutes the heavens are lit up as the fireman opens the fire-box door to shovel in the coal to keep up the steam pressure of 200 pounds.

On the right-hand side of the cab sits that grizzled, old warrior, with one hand upon the throttle, the other on the brake valve; his keen, trained eye is on the road ahead, and, watching for the signal block, one little mistake on his part and souls will go into eternity. Now they climb the steep grades of the Rockies over the Great Divide. Once in a while they stop for water or orders, when the engineer takes hold of the whistle cord and blows one long and three short blasts of the whistle. This is the signal for the flag to go out. The flagman, fine young American, picks up his red and white light, takes his caps and fuses, and starts down the track in the dead hour of night through a blinding storm to protect the lives of the sleeping passengers on the train. This is his duty, and he always obeys his orders. [Applause.]

Finally the train nears the Pacific coast, and the trainman calls the next station is Spokane, Wash., the train stops, and the gentleman from Washington, Judge WEBSTER, starts for the door to get off, for this is his home town. The porter hands him his satchel, he hails a taxi, and in a few minutes his loved ones, who have been waiting for him, rush to his arms and give him a hearty welcome, and there is much joy in the home over his safe return. The gentleman from Washington, Judge WEBSTER, trusted his life in the hands of the faithful railroad employees who brought him safely across the continent. But to-day here on the floor of Congress he says that he can not trust them to carry out and live up to a solemn obligation and contract they have made with their employer in respect to a schedule of wages and conditions.

And, sirs, this is the very thing that is implied in the Webster amendment. You men trust these men with your lives. When you go home at the end of this session can you look these workmen in the eye and say to them, "I have confidence in you to carry me safely home," when only a few days before by your vote you passed a law that would lead them to believe that you questioned their honesty and integrity in dealing with their employer?

Why, sirs, I am frank to confess that in this question which we are now considering there is some sentiment; as far as I am concerned, for 18 years I worked with these men and shared their joys and sorrows, their comforts and hardships, and I would rather resign my seat to-day than it should ever be said that by my vote I have lost my long friendship, confidence, and respect for these men. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. Mr. CARSS. Mr. Chairman, I ask unanimous consent that the gentleman may continue for five minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the gentleman from Ohio, notwithstanding the previous order, be permitted to have his time extended for five minutes. Is there objection?

Mr. KNUTSON. Mr. Speaker, I object.

The CHAIRMAN. Objection is heard.

Mr. COOPER. Will the gentleman allow me two minutes?

Mr. KNUTSON. I will withdraw the objection.

The CHAIRMAN. The gentleman withdraws his objection. Is there objection? [After a pause.] The Chair hears none.

Mr. COOPER. Mr. Chairman, there is not a man in this Congress who at some time or other, and quite often, trusts his life into the hands of this noble band of employees. Why should you be afraid to trust them with a solemn contract and obligation which they have made, and, as I said before, I do not know of one instance where these employees have ever violated a contract. Now, the difference between the committee print and the Anderson amendment is this, that the Anderson amendment provides that the boards that are now in existence—

compulsory conciliation boards, if you please—shall remain in force, only we make two boards instead of one that they have now. In other words the railroad employees will have the chance to take the question of disputes up with their local boards. They may carry it from the local board to the general board, and if they can not get any satisfaction or decision there, then they bring it down to Washington to the board of adjustment. If the board of adjustment does not settle it, then it will go to the board of labor appeals. I firmly believe that if you will let the railroad employees negotiate their question of wages and conditions as they have done in the past, and let these propositions to be taken up by these boards that you will have very few strikes in this country. Now, the committee print provides for two boards; but wait—wait until you get back to the second board. Of course, the representatives of the union and the representatives of the carriers nominate the men whom the President shall appoint on the Board of Labor Appeals, but the bill says that as soon as they become members of that board they must sever their connection with the unions and with the management. Thus you bring in outsiders to settle this question.

Mr. FESS. Will my colleague yield there?

Mr. COOPER. I will yield.

Mr. FESS. What objection would my colleague have during the pendency of the adjustment if there should be forbidden either lockouts or strikes?

Mr. COOPER. Well, my objection is this, that they have had such a proposition in Canada, the Canadian disputes act. That has not stopped strikes; and, just as the gentleman from Massachusetts [Mr. LUCE] said here a few moments ago, you can not stop a strike or you can not pass a law that will compel a man to go to work if he does not want to go. Why, even such great men as Theodore Roosevelt and that patriotic American, William McKinley, and Abraham Lincoln, whom you have eulogized time and time again upon the floor of this House, have upheld the right of workmen to strike and that the right of strike should not be taken from them.

Mr. FESS. Will the gentleman yield further?

Mr. COOPER. I will.

Mr. FESS. Does that mean that any group of men are greater than the Government itself?

Mr. COOPER. Oh, well now, the gentleman is going a little too far there.

I do not believe that the railroad men ever had that thought in mind or ever will have it in mind—that they could run the Government themselves. I would like you to point out to me one great general railroad strike that the employees have called since 1894. Can not you trust the great executives of these great railroad organizations to negotiate and carry on these propositions? [Applause.]

Mr. FESS. What about 1916?

The CHAIRMAN. The time of the gentleman from Ohio has expired. [Applause.]

The CHAIRMAN. The gentleman from Michigan [Mr. HAMILTON] has 41 minutes remaining, the gentleman from Minnesota [Mr. ANDERSON] has 18, and the gentleman from Washington [Mr. WEBSTER] has 11 minutes.

Mr. HAMILTON. Mr. Chairman, I yield seven minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Chairman, the whole scheme of the proposition in the bill regarding labor legislation was conceived and worked out in the subcommittee, which was a most difficult undertaking. The subcommittee's plan, or the provisions of it, are not all acceptable to me, but the objects and purposes are. It is the object and the purpose of legislation that should measure its good or its evil effects rather than the machinery that, on first blush, is proposed.

The object and purpose of the Sweet amendment, now offered by the gentleman from Minnesota [Mr. ANDERSON], is intended to accomplish the same purpose. There may be some of its provisions that I would prefer over the committee's bill. I will vote for the Anderson substitute as an amendment to the Webster substitute, but I do think, under all the circumstances, with the days and weeks of labor the committee conscientiously put in on this provision, it should not be lightly swept aside. Gentlemen get up here and say, "We want something that has teeth in it." What are the teeth they refer to—the teeth of the carnivorous animal, of the flesh-tearing and lacerating variety, the dog's teeth, the tiger's teeth, the lion's teeth, the hyena's teeth—the teeth of barbarism, of uncivilization? What is our object? What are we trying to do? Bring about agreements between those that are in disagreement. This should not even be called a decision, because it is not, in fact. There comes about a condition calling for the modifying of an existing contract. Therefore, not being a question of law only, but rather a question of justice

between employer and employee, it is highly proper that it should be submitted to an adjustment board composed of equal numbers of employers and employees, and let them try to modify the contract by agreement, because they are parties to it. What business has the public in that kind of a controversy? The public did not make the contract and would not know how it ought to be modified.

But the public have an interest above and beyond all others, and that is the interest to bring about an amicable modification of the contract without resorting to the teeth of the dog, or the club of the savage, or the bayonet of Prussianism. I tried, and I think the subcommittee tried, and worked as hard as men could work, to keep prison bars out of the bill and to keep felon's stripes out of the bill, and to keep handcuffs off of the wrists of labor. All of this outcry for making a strike unlawful, pending the adjustment of a controversy, is to give jurisdiction to the civil courts to issue injunctions, and put a man behind the bars without even a trial by jury if he does not obey the order of the court.

Now, this adjustment panel is the jury panel, as it were, from which the arbitrators are selected, and are selected because they know and understand the matters in dispute better than any others, and because of that better knowledge of the particular subject matter in controversy. The objections I have, and the only objections I have, to the committee bill are two. One is allowing damages for a lockout, a thing that will never happen while time stands, so far as the operation and the running of trains is concerned. Transportation is movement of persons and property. There might be a lockout in the shops, but there will never be a lockout on the whole system of any railroad at one time. So the whole provision against lockouts is mere camouflage, because there is no probability of it ever being practicable.

Mr. JOHNSON of Washington. The gentleman wants to make it clear that a penalty for striking is not properly offset by a penalty for a lockout?

Mr. SIMS. Not at all, because it will never arise. On the other hand, penalizing a strike in damages and the sale of the common property of the unions is no compensation at all. What would the Union Pacific care for such damages caused by a general strike in that way? Neither side could get all the damages that have been suffered, but where does the public come in? The liability of the unions for the damages sustained by the railroad company by the strike of employees is insignificant—a bagatelle—compared to the damages the great public suffers by the stoppage of transportation. There is no provision in anybody's bill to pay the damages the public sustains. Therefore those two things in our bill I regard as camouflage, but harmless, practically harmless, and I will move to strike them out.

I do not believe an appeal board is worth much, practically. Why? It is an agreement we are trying to bring about, and not a decision in a judicial sense. Such appeals in their very nature smack of judicial decisions, are appeals from a lower to a higher court, but on that board three nonvoting representatives of the public come in and five of the six that have the power to vote decide the controversy. The truth about it is this, that if the railroad people, the employers, believed they could get a better deal out of the appeal board than the lower board, there is a premium offered for failing to bring about an agreement. If labor, on the other side, thinks it can do better by appealing, there is a premium for it to refuse to agree. Therefore I thought the committee bill ought to provide for the discharge of the committee on conciliation. If it fails to agree within a reasonable time, and select a new committee from the same panel, and a new jury is selected because the other jury has failed to agree, and keep them there until they do agree.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent for five minutes more, notwithstanding the agreement of the committee. Is there objection? [After a pause.] The Chair hears none.

Mr. SIMS. Now, as I said to our committee, rather than have prison bars, felon's stripes, and handcuffs provided in the bill, if you are determined to put something in the bill in the nature of compulsion, let it be the compulsion of common sense and self-interest. I am not going to offer any amendment under the circumstances. I have not discussed the matter with labor people or employers. I suggested to provide that if the employees come to a disagreement with their employers and can not agree among themselves, they must submit the controversy to this equally balanced board, on which labor and capital, employer and employee, have an equal number of the board as selected by themselves.

If the laborers, the employees, will not submit their contention to the board, let them by operation of the law stand discharged for a period of, say, three, four, five, or six months, or whatever time may be considered necessary. Let them stand discharged by operation of the law itself because they will not submit their contention to the board in which they have equal representation. Let them stand discharged until they submit to the board. On the other hand, if labor presents a demand and the railroads will not accept it, let the demand automatically and by operation of law go into effect and stay in effect until the railroads agree to submit it to arbitration. Pending arbitration, let the same penalties apply during the period of arbitration.

When an agreement is reached, if the employees will not accept it, let them stand discharged for such time as might be reasonable, or until they agree to abide by the award made by this equally balanced board. But if the employers will not agree to abide by the award, we should provide that the award, the decision of the board, so called, shall automatically go into effect and remain in effect until the railroads agree to abide by the award, and until such agreement the employees shall receive double the award or the benefits provided for them in the award. In the meantime the trains are moving. The public will receive the benefits of uninterrupted commerce, and no felon's stripes or handcuffs or prison bars will have been invoked, nor has any judge issued an injunction.

I have had for some time a belief that something of that kind can be worked out, although I have not submitted it to employers or to employees for their opinion. The little damage, comparatively, that the railroads may suffer on account of a strike, and the damage which the employees may suffer on account of a strike, pales into insignificance compared with the great loss and damage that the public must submit to, and they have no remedy, in damages or otherwise.

Mr. WHEELER. Mr. Chairman, will the gentleman yield for a question?

Mr. SIMS. Yes.

Mr. WHEELER. I understood the gentleman to say that, pending negotiations, the trains would continue to run. The employees would run the railroads. Now, if this board should not come to an understanding, there would be no agreement whatever.

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. SIMS. Mr. Chairman, I ask unanimous consent for one additional minute.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent for one additional minute. Is there objection?

There was no objection.

Mr. SIMS. I do not assume for one moment that they would never come to an agreement. It would be almost inevitable that they should come to an agreement. I assume the probable, the reasonable, the just, the proper thing; and public sentiment in the meantime will be making itself felt, and it is of the greatest potency in a free country. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. HAMILTON. Mr. Chairman, I yield two minutes to the gentleman from New York [Mr. PELL].

Mr. SIMS. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The CHAIRMAN. The gentleman from New York [Mr. PELL] is recognized for two minutes.

Mr. PELL. Mr. Chairman, this is a practical question, which must be settled mainly by common sense. Of course it is a vital necessity that the railroads must go on, and we would be justified in taking any course that is really necessary to get this result.

But we have got, I think, another problem, and that is whether this country is to be a nation or just to be a gathering of struggling multitudes who happen to live in the same geographical locality. It seems to me that the substitutes for the committee bill will have a very serious tendency by their drastic provisions to force honest, decent, and loyal laborers into the hands of the Bolsheviks.

Now, personally I am in favor of labor unions, but I am opposed to the soviets, and I can not stand for the very drastic amendments which have been offered. I feel very strongly that they will force the better class of laborers into becoming members of soviets. It is necessary, however, that we should have some provision in this bill which will guarantee protection to the people from the dangers and from the conditions caused by a general strike, and it seems to me that the committee provision strikes a just mean between the excess of force, which

would be dangerous from a social point of view, and a complete reliance on letting things worry along as they have been going. For that reason I expect to vote for the committee provision. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PELL. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. WEBSTER. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. HULINGS].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for five minutes.

Mr. HULINGS. Mr. Chairman, I have some doubts whether a "labor bill" should be incorporated in a bill where the chief purpose is to restore the railroads to the owners, but since the committee in its wisdom has chosen to do so, I shall favor the measure offered by the gentleman from Minnesota [Mr. ANDERSON] as a substitute for the committee provision.

Mr. Chairman, the country is confronted by a serious condition. Forces are at work that would destroy the fabric of free government.

Men who are prominent in certain circles are openly advocating Bolshevism.

If they love Bolshevism so much, their place is in Russia, where they will get the real article. [Applause.]

Wild-eyed men of foreign importation blatantly advocate sovietism, syndicalism, direct action, and, more dangerous than they, ambitious, evil-minded men, American voters, who dream bloody dreams and see themselves in the rôle of Lenines and Trotskies, who would pull down the Stars and Stripes and hoist the red flag of anarchy.

Any man who loves another flag better than he loves the American flag should go back under the flag he loves best, and go while the going is good, for this country is no place for him. [Applause.]

These are matters the country must face, and the pity of it, the danger of it, is that great labor organizations have been infected with this poison.

Prominent leaders of labor are announced in the public press that if such and such laws are passed they would not obey the law.

I have formerly declared on this floor that I am in favor of collective bargaining; that the labor union is the only defense against the constant tendency under the competitive system of wages to the lowest point of subsistence.

The old relations of "master and servant" are "played out." Labor has as much right to say what share of the joint product capital shall have as capital has to say what share labor shall have; and if they do not agree, there is a lockout or a strike.

There must be an agreement where the general public may be a thousand times more affected than either employer or employees.

No class has a right to special legislation. The workingman must have a "square deal," and that he is entitled to, not because he can "strike" and impose untold suffering upon the general public if he does not get what he wants, but because in justice it is his right.

Compulsory arbitration will not work. It has always failed in times of crisis. Civil damages for breach of contracts made by labor leaders can not blind the thousands of workmen personally in damages.

Where, then, is the remedy if employer and employees do not agree?

The Anderson amendment makes an appeal to public sentiment, which, after all, in this country transcends the power of Congress or courts or sheriffs. [Applause.]

It provides the machinery by which the contending parties present their cases in a public, open discussion before arbitrators of mediation and conciliation.

It is true, if the workingman is still dissatisfied he can quit his job. He always has that right, and need give no reason, but the real power of the bill is that if the award meets the approval of public opinion no labor organization could carry on a strike. Public wrath and indignation would quickly smother it.

But his right to strike gives him no right to conspire against the public welfare and concert the brutal force of numbers in attacks upon the sovereignty of law and the fabric of our institutions.

No government worthy of the name will permit any "class" by threats, intimidation, or violence to seek their ends. If a majority are of their way of thinking, force and violence are

unnecessary, as the Constitution provides the peaceful, orderly processes by which any desired changes can be made.

But let it be understood that no class is bigger than the Government. Class rule means the death of the Republic.

Unfortunately our sedition laws are lame and out of joint. The horrible outrage reported the other day from Centralia, Wash., where I. W. W.'s shot down in cold blood our soldier boys who were in a parade celebrating the anniversary of peace, discloses the fact that the United States Government has no law authorizing it to lift a hand against these murderers.

We are told the Government has no constitutional right of action against the I. W. W.; but it is the supreme right of the Government to protect its own life, and all these plotters and conspirators who seek to pull down the very pillars of government should be gathered in and condemned to hard labor for life.

And the greatest service the union-labor man can do for the labor union is to weed out of its membership the traitors to Americanism that are boring in to secure the control of the organization of labor and declare the general strike of the syndicalist plan.

This bill is an appeal to public opinion. It is based on a belief in the patriotism of American workingmen and that they will stand by a square deal. I favor the Anderson amendment. [Applause.]

Mr. ANDERSON. I yield five minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the Record.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to revise and extend his remarks in the Record. Is there objection?

There was no objection.

Mr. HUDDLESTON. I also ask to print in the Record a short statement upon this bill, handed me by the national executive committee of the Private Soldiers and Sailors Legion, and another statement by the conference on democratic control of railroads.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks by the insertion of the matter indicated. Is there objection?

Mr. JOHNSON of Washington. Is the speech which the gentleman wants to present the one sent out by Frederick C. Howe, former Immigration Commissioner at New York?

Mr. HUDDLESTON. It is one of the statements which Mr. Howe sent out.

Mr. JOHNSON of Washington. Mr. Howe is now general counsel for the Plumb plan, is he not?

Mr. BLANTON. I object to the latter part, in regard to the statement about the Plumb plan.

Mr. HUDDLESTON. Then I make a separate request for the printing of the statement of the Private Soldiers and Sailors Legion.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to extend remarks by printing a statement of the Soldiers and Sailors Legion on this bill. Is there objection?

Mr. DYER. Reserving the right to object, does the gentleman propose to put this in with the proceedings?

Mr. HUDDLESTON. No; not as a part of my speech. I offer it out of courtesy to this organization, to be printed in the back part of the Record.

Mr. BLANTON. Reserving the right to object, I should like to ask whether or not it is an indorsement of what is known as the Plumb plan?

Mr. HUDDLESTON. To be perfectly frank with the gentleman, I have not read it.

Mr. BLANTON. If the gentleman has not read it, I object. [Laughter.]

The CHAIRMAN. The gentleman from Alabama is recognized.

Mr. HUDDLESTON. Mr. Chairman, I am amazed that the gentlemen who bring forward these drastic antistrike measures do not seem to grasp the logic of their proposals. They are bitter opponents of socialism. Yet the principle underlying their proposals is socialistic. They propose to "socialize" men. They are willing to exempt property, but they insist that men shall be publicly owned. They oppose Government ownership of railroads, but they favor in principle and to a degree practically and in effect Government ownership of railroad employees.

When the future historian shall come to write the annals of this period he will marvel much at the situation in which the American laboring man now finds himself. The laboring man is the same kind of man as the balance of us. He is our full brother. He has our good qualities as well as our bad. Some

laboring men, of course, are selfish; occasionally one of them is arrogant. They are mere men just as we are and have our faults as well as our virtues. They need no special treatment and no special handling. They should be treated just like other citizens, neither harsher nor more gently. Above all, they should be dealt with justly and with an honest regard for their proper interests and aspirations.

Laboring men as a whole are patriotic, honest, and diligent. The fact that they work with their hands is not regarded by them as a reason why they should not love their country and serve it. They have shown this upon the battle field as well as in civil life. All that they ask is decent and fair treatment, wages which will make life bearable, and the same rights and privileges accorded to others. I may say, in frankness, that I have found them more altruistic and with a more intelligent understanding of public questions than the average city business man.

In this situation and despite the lack of reason for it, the workmen are amazed to find themselves now surrounded by a cloud of suspicion and distrust. Their lightest words are used against them, they are cartooned and misrepresented by the press, their leaders reviled as "agitators" and "reds," and any effort on their part by lawful means to increase their wages so as to meet the cost of decent living is blatantly characterized as "revolution."

The CHAIRMAN. The gentleman's time has expired.

Mr. HUDDLESTON. Mr. Chairman, a parliamentary inquiry. Was the time I took in preferring my request for unanimous consent deducted from my time?

The CHAIRMAN. It was deducted from the gentleman's time.

Mr. HUDDLESTON. Does not the Chair think I should have my full five minutes?

The CHAIRMAN. The Chair will say to the gentleman from Alabama that he was recognized for five minutes, which time was yielded to him by the gentleman from Minnesota [Mr. Anderson]; that after he was recognized he propounded a request for unanimous consent. That was during the gentleman's own time and necessarily must be deducted.

Mr. HUDDLESTON. Will the Chair be kind enough to submit a request that I have five minutes?

The CHAIRMAN. The gentleman asks unanimous consent that, notwithstanding the previous order, he may proceed for one additional minute. Is there objection?

Mr. CONNALLY. I ask unanimous consent that the gentleman from Alabama may have five minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the gentleman from Alabama may proceed for five additional minutes, notwithstanding the previous order of the committee fixing a limit of debate. Is there objection?

There was no objection.

Mr. HUDDLESTON. The laboring men of this country believe themselves to be the object of a general drive. They feel that they are being persecuted because of their class and calling. Conscious of no fault upon their own part, they feel themselves the objects of contempt and hostility. They realize that they are without offense, and they can not understand why it is that now, when our country has just come out of a successful war of idealism, the disposition appears to prevail to take away the rights which they have heretofore enjoyed and to further restrict and confine their opportunities.

The laboring men of this country feel that this drive against labor is not being made merely against the American Federation of Labor and the railroad brotherhoods—the great moderate labor organizations—but that it is a drive against labor as a whole, against men belonging to organizations and men who belong to no organization; that it is a drive against them because they are what they are. They have observed the efforts to discredit them made by the employers, and the nation-wide propaganda which has been carried on to put them in a bad light. They understand this and know its origin and mainspring, but now they see that through this artful and dishonest propaganda the fears of the general public have been played upon. The people at large have been deceived and frightened until they expect public disorder and strife from every labor dispute. All strikes or incidents of disorder are played up and magnified and made much of by the newspapers and in other ways until the public has been alarmed, and its natural sympathies, which belong of right to labor, have been alienated. The workers see this and deplore it.

Laboring men feel that the campaign against them, the atmosphere of hostility and suspicion which has been created around them, is due to the unfriendliness of Congress more than to any other agency, to abusive speeches which have been made in Congress during the present session, and to the hostile spirit which has been behind certain measures which have been proposed

here. Their confidence in the fairness of Congress has been shaken. They also point to the unlawful and unconstitutional use of Federal troops which has been made and is yet being made in connection with labor disputes. They point to the attitude of the Department of Justice during the coal strike, and to the unprecedented issuance of a far-reaching mandatory injunction by a Federal judge. They believe that the miners had no fair hearing; that there was no spirit to do justice; and that the action taken was arbitrary and unlawful.

I warn you Members of Congress that the confidence of the workmen of America in the fairness of their Government and the willingness of the legislative as well as the judicial and executive branches to give them justice has been sorely shaken. It is a mistake to do anything further toward undermining the confidence that the working people have in Congress. I believe that Congress is making a serious blunder with its labor measures, and that it is causing these men to feel that Congress is unfair and that Congress has selected out the common men, the humble members of society, as the objects of discriminatory class legislation.

When we convey that impression to the laboring men it has marked and definite results. First, it undermines their confidence in the leaders of organized labor. I want to say right here that labor leaders are always as moderate and conservative as their members, the men whom they represent, will permit them to be. Unions are thoroughly democratic. The labor leader must satisfy and reflect the wishes of the men he represents or he will cease immediately to be a leader. When the workers feel that Congress is unfair to them they will consider that conservative and law-abiding labor leadership has been a failure. Naturally they will turn to more radical leadership. The labor organizations represent the most conservative elements of labor. The influence of these organizations will be lessened with their members. The tendency will be to drive their members into more radical organizations.

If the labor organization, with its moderate, law-abiding methods, is considered a failure by its members they will naturally turn to the radical organization and to direct action. You men who fear the radical movement and the I. W. W. hear that in your minds. You fear the real "Reds" and yet by your illiberality you are driving our laboring men toward them. I say to you that when you undermine the confidence of the great laboring class of America in the justness and kindness of their Government you will have done more than all the wild-eyed agitators and revolutionists to bring about discontent and unrest upon the part of the men who toil with their hands. These men have real problems of life to solve. They have families to feed and clothe, children whose future they would like to make reasonably secure. These men who toil and sweat are patriotic and love real Americanism, self-government, freedom of speech and press, of religion, and of assemblage, with all their souls. I beg that you do not drive this great body of worthy men into despair by drastic and discriminatory legislation.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HAMILTON. Mr. Chairman, before yielding I desire to express the hope that there will be no further requests for extensions of time, because it is very important that we adhere to the rule. I now yield five minutes to the gentleman from Wisconsin [Mr. Esch].

Mr. ESCH. Mr. Chairman, it has come to my knowledge that there has been circulated in the public press a statement to the effect that the provisions in Title III in this bill have been dictated by the banking influences of Wall Street and that the same influences dictated the funding proposition of the bill.

I want to say that there is not the slightest particle of truth in any such assertion. [Applause.] Title III was born in the Committee on Interstate and Foreign Commerce, and no influence outside of that committee room dictated a single line or phrase. So much for the origin of Title III. We believe that we have created the fairest machinery for the creation of adjustment and appeal boards presented in any proposition before this House, and I am bold enough to say fairer than any suggested from any other source.

We felt that we must create a board of such fairness that it would compel the respect of labor and the respect of the employer and of the general public. We believe that this bill creates such a board.

It is complained that it is too complex. It is no more complex than the machinery of the Federal reserve act for the creation of the Federal Reserve Board. Once this bill becomes operative and the adjustment board is created, the proceeding thereafter would be largely automatic. We feel that we have presented to you a fair and reasonable proposition and one as good, if not better, than any that has been presented. I can not agree to the provisions of the Webster substitute. That

creates a wage board of nine members, four to be selected by the employees and four by the employers, and they select the ninth man, who shall be the chairman. Gentlemen, that makes that ninth man an umpire, and it is not in the best interest of adjustment of labor disputes that you should create an odd-numbered board and make the odd man an umpire. It has failed wherever it has been tried.

One reason why we have had a failure under the Newlands Arbitration Act was because we had an odd man who acted as umpire. We in this bill provide for an even number of representatives of the two sides, even on the appeal board, where we have six members who do the voting, equally divided between the employers and the employees.

With reference to the Anderson amendment, if there is a country-wide strike involving all of the organizations your three adjustment boards would have to be operating at the same time, and how would you get uniformity of judgment in a case like that?

Another thing, under the Anderson proposition you have got to get before this adjustment board on application of the employers and employees. It is easy to conceive that there may be many disputes where there would be occasion for the adjustment board through the application of only one of the parties to act. It might be impossible to get the machinery started if both parties to the dispute had to jointly make application.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. CLARK of Missouri. Mr. Chairman, I ask unanimous consent to address the committee for five minutes, not to be charged up to either side.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to address the House for five minutes outside of the time fixed for debate. Is there objection?

There was no objection.

Mr. CLARK of Missouri. Mr. Chairman and gentlemen, the two things the committee is really considering are the Webster substitute and the Anderson substitute. I am dead against the Webster substitute from beginning to end. [Applause.] If it is put into this bill I will vote against the bill. [Applause.] I will never agree that the little home of a man in Missouri, who is a laboring man, shall be seized and sold and himself, wife, and children turned out to grass on account of an offense committed by somebody in California, Mississippi, or any other State in the Union. [Applause.] I will not do it. It is not only unwise but it is inhuman. I am not greatly enamored of the Anderson amendment, but I will vote for that in order to get rid of the Webster substitute. I am as much in favor of law and order as any living man, but I am teetotally against punishing the innocent for the sins of others.

There is another objection. The first section of the Webster substitute is clearly unconstitutional, and any court in the United States that knows any law or has any self-respect will declare it to be unconstitutional if the question is ever raised. Here is the constitutional provision about the appointment of officers.

He—

That is, the President—

shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law.

Now, gentlemen, that provision of the Constitution gives to the President of the United States the entire 110,000,000 people in this country to choose from, and he ought to have it. I do not care who is President. He ought to have that power and that privilege. Now, here comes the first section of this substitute offered by the gentleman from Washington. It is clearly a limitation on the presidential prerogative in appointment matters.

Mr. WEBSTER. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Missouri. Yes; I am glad to yield to the gentleman.

Mr. WEBSTER. Does not the gentleman know that precisely the same method of making the selection is contained in the committee bill and in the Anderson amendment?

Mr. CLARK of Missouri. I did not know it.

Mr. WEBSTER. That is a fact.

Mr. CLARK of Missouri. Then both of them are unconstitutional. Here is what the Webster amendment provides:

Four members shall be selected from a list of nine names submitted to the President by the executives of the railroad labor organization; four members shall be selected from a list of nine names submitted to the executives of railroad companies.

You might as well place a provision in the bill that the President, in his appointments, shall appoint only cross-eyed men or red-headed men, or any other descriptive personage that you want to put in. It limits his power. I do not know what President Wilson would do about it, but if I were President I would pay no more attention to that part of the statute than if it were the wind blowing. This is an unfortunate time for Congress to go wild. On more than one occasion I have seen the House swept off its feet when excitement ran high; but let us keep clear, cool heads in this crisis and do justice as far as in us lies to both the railroad employees and the railroad managers and owners. We should try to compose the troubles now scaring and irritating the public, and not enact legislation so stringent and so extreme that it will bring upon the people calamities as serious as those which we are endeavoring to remedy. The people will not thank us for getting them into a sea of new troubles.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. CLARK of Missouri. I am very much obliged to have had even the five minutes.

Mr. ANDERSON. Mr. Chairman, I yield three minutes to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Chairman, I desire to call attention to the fact that in the Anderson substitute, which carries the plan developed by the gentleman from Iowa [Mr. SWEET], these boards are created, one-half by the railroad men and one-half by the carriers, and paid in the same way. Thus they do not come under the provision of the Constitution to which the gentleman from Missouri [Mr. CLARK] just called attention.

I have given a great deal of thought to this portion of the Esch railroad bill. I had the privilege of going before some of the railroad brotherhoods and asking them if they would not stand for this substitute. I come from a State where we have seen in the last few years the American Federation of Labor pretty nearly swallowed up by a revolutionary band calling itself union—the one big union. I would oppose the Esch program on its definition of "union," if for no other reason. I desire to warn this House. I wish I had the time to read something from a little paper called the Western Laborer, published at Omaha. There are many so-called labor papers published throughout the country, and many of them are masquerading. Many are vicious, socialistic, and revolutionary. I have 200 copies of various papers over in my office, every one of which should be suppressed, and half of them are edited by men who are not citizens. Half of them are labeled labor papers, but they are not. Now and then, however, you will find an honest and sane labor paper. This Omaha paper appears to be one. It arrived in my mail only yesterday, sent to me marked on account of something in it concerning aliens. It has more horse sense in about a column and a half entitled "Organized labor's second crisis" than one will find in many papers in a year. Labor's second crisis is now. Why? Because labor is getting out of bounds. This paper tells of 18 or 20 recent strikes called over the protests of the leaders, called for petty reasons, and because of world unrest. Labor's present crisis is whether it can stand up against radicalism. Can the leaders keep the rank and file within the bounds of reason?

I do not stand on this floor to excuse any violent remarks made by any labor leader. I condemn such remarks with all the vehemence at my command. [Applause.] Labor leaders make mistakes—woeful mistakes. The leaders hold their jobs the same as we hold ours. They are elected by their people. The first crisis in the affairs of organized labor was when the time came for labor to stand by the United States in the war. How many men on this floor really know the efforts that were made inside of labor unions by these very people who would tear down the United States to keep the labor unions from going wholeheartedly into the war? But organized labor stood. [Applause.] It saw its ranks swelled with unskilled, unapprenticed men—aliens, radicals, revolutionists, deadbeats, and frauds—taking out cards to get at jobs on Government works, to grab American money, and at the same time wreck the labor unions. Union labor saw the Government encourage that very thing. Labor saw aliens and even alien enemies staying on the jobs while others went to war.

Think of all that. The second crisis is now. This horse-sense editor says that the danger is in losing sane leadership. And in the face of that danger I tell you I am not ready to throw the railroad brotherhoods into the discard. [Applause.] Labor has got to stand with us, and I want to give this advice to the Federation of Labor and to the brotherhoods, although the brotherhoods do not need it so much: Let these labor unions

throw the aliens and anarchists out of their unions and then we will have little trouble. [Applause.]

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to speak outside of the rule for five minutes.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to speak for five minutes outside of the rule. Is there objection?

Mr. HAMILTON. Mr. Chairman, it seems very unkind for me to object, and I dislike very much—

Mr. JOHNSON of Washington. Oh, I hope the gentleman will not object.

Mr. HAMILTON. Can not the gentleman make it three minutes?

Mr. JOHNSON of Washington. Very well, three minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. I thank you, gentlemen. Have you thought as to what is the real trouble? The trouble is in regard to collective bargaining. This sensible editor says:

The present trouble with the collective-bargaining issue is to get the rank and file of the unions that are on strike to realize what it means to make a bargain and keep it.

Is not that the trouble? Why, out in my State it has come to such a pass that when we speak of the American Federation of Labor the public thinks of the present American Federation of Labor, there, which seems to have been usurped, and that is the danger everywhere to-day.

I beg this House not to pass legislation that is not just as fair to one side as the other. Look out, look out! I ask this House not to pass any law that would go down into the vitals of labor unions and would destroy them because the I. W. W. will follow in its wake. I warn you, gentlemen, not to go so far as that. By the very nature of things this so-called organized labor will purge itself. If not, then organized labor will be on the rocks. The Bill Haywards, the Debses, the St. Johns, the Fosters, and all that class will be happy. The unions go! The mob comes! O gentlemen, we can not do without labor. And labor can not do without unions. We can not deal with a mob. We want to make bargains, and we must have somebody with whom we can bargain and who will strive to keep the bargain. The men who are in the rank and file, who send their men to headquarters to make their bargains, have the voting power themselves. The curse of the whole thing is that the American Federation of Labor in times past, in its efforts to better wages and conditions, took these aliens in and gave them, revolutionary as so many are, a voting power in the unions which those same aliens do not have in the ballot boxes of the United States. That was wrong. [Applause.]

You can perfect the Anderson amendment. Let it be unlawful to order strikes or lockouts pending arbitration under the Anderson settlement plan. Make the law hit both sides alike. Who can object? Leaders want to keep contracts; sane men will keep contracts. Leave the penalties to the courts. Labor will not object to that.

Gentlemen, I tried to offer what is now called the Anderson amendment, but I was ruled out on a parliamentary question. I believe in it. It is not the time now, just as the gentleman from Maine [Mr. HERSEY] said the other day, to widen the breach between capital and labor. This bill runs only to the railroad employees, but the principle of the whole thing affects all labor. The complaint is made that the Anderson amendment does not include the public; that somebody should represent the public. I made the same objection to the Esch plan. In that plan you have three \$10,000 representatives of the public, with no vote. That is a sop; that means nothing.

Why not, if we want the public feature of the Esch plan, strike out these other six \$10,000 officers, representing labor and carriers, and provide three men to represent the public and decide all final contests? Another objection I have to the Esch plan is that you will send more disputes up to the final board than can possibly be handled. The Anderson plan follows plans now in operation. We have boards all along the line, and they settled in the last year and a half over 3,000 disputes that never needed publicity or became of national import. Still further, I oppose the Esch plan for the reason that I am through, my friends, with creating \$10,000 and \$12,000 salaries for more or less permanent Federal positions on boards and commissions while Members of Congress and the Senators of the United States receive far less than that salary, and are abused by the public for expressing their honest convictions and for trying to do their honest duty. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WEBSTER. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK. Mr. Chairman, I would like to call the attention of the chairman of the committee to my amendment providing that the Government shall collect 6 per cent interest on repayment of any excess payments which it may make of guaranty fund, because, as the section reads, I can not see how there can be any objection to it, but if there is I should like to hear from the chairman.

Paragraph (f) of this section provides that a railroad that anticipates a deficit in its operating income or upon its net return can make application for an advanced payment of the guaranty fund, and the commission can look into it and investigate it, anticipate what the amount of the guaranty payment will be, and then certify the amount to the Secretary of the Treasury, and he is authorized to make the advance. The section, of course, provides that in the event the advancement is too great it shall be the duty of the carrier to repay the money, but says nothing about interest.

The illustration I have in mind would be like this: Suppose the commission should anticipate that the deficiency would be \$2,000,000 on any particular system, and should certify that amount to the Secretary of the Treasury, and the Secretary of the Treasury make a payment of \$2,000,000. But suppose it turns out that the deficit was only \$500,000. Then there would be an overpayment of \$1,500,000 which the carrier would have to pay back to the Treasury. I think that overpayment ought to bear 6 per cent interest when it is paid back.

Mr. WINSLOW. If I understand the gentleman's proposition, if a road gets the guaranty under the provision it must pay any excess over and above the standard return back into the Treasury?

Mr. BLACK. Yes.

Mr. WINSLOW. The reason which actuated the committee in framing this provision was that they thought if they held out, a great many roads pretty near the margin, the opportunity to hold in their own treasury any little excess, it might stimulate them to get busy and get their operations on a good foundation, and the sooner they would get clear of Government control, if they could have any little amount that they might save over and above the balance of the standard return. Whereas we felt that every road that was anywhere near the margin might lie down on the Government and say, "Well, let it run for six months," and they would be that much in.

Mr. BLACK. In the event an overestimate is made and that has to be paid back into the Treasury, does not the gentleman think that there should be interest paid to the Government?

Mr. WINSLOW. I think in that case interest would be perfectly reasonable.

Mr. BLACK. I would call the attention of the gentleman to the language of my amendment. I read now from the bill—

That upon final determination of the amount of guaranty provided by this section, such carrier will repay to the United States any amounts which it has received from such advances in excess of the guaranty.

That is the language of the bill. My amendment adds the words:

with interest at the rate of 6 per cent per annum from the time such excess was paid.

Mr. WINSLOW. I think that is quite reasonable.

LABOR PROVISIONS OF THE RAILROAD BILL.

Mr. BLACK. Mr. Chairman, a number of gentlemen in discussing this bill seem to speak as if its provisions would do away with the machinery of mediation and conciliation. I am sure that none of us want to do away with that machinery, and we hope that as many differences as possible will be settled in that way; but we all recall that in 1916 we had a board of mediation and conciliation and it tried for weeks to settle the disputes between the carriers and their employees, and when the board finally failed the President of the United States called the brotherhoods and the representatives of the carriers to Washington to see if he could bring about a settlement by using his good offices. And he failed, and an order went out for a nationwide strike, and on Friday evening before the strike was to take place the House of Representatives took up the Adamson bill and passed it here, and it went speedily to the Senate, and it was passed there the next day without amendment, and the Supreme Court of the United States upheld that law upon the theory that it was compulsory arbitration on the part of Congress for the benefit of the public. Now, if those gentlemen who speak so eloquently of mediation and conciliation can assure us that the situation will never arise again like that of 1916 which brought about the hurried enactment of the Adamson law, then

I for one would be very glad to see the whole subject dismissed and forgotten. But, of course, no man has it within his power to give us any such assurance. The eloquent gentleman from Ohio [Mr. COOPER] and the eloquent gentleman from Minnesota [Mr. CARSS] and the eloquent gentleman from Alabama [Mr. HUDDLESTON] spoke of the wise and conservative leadership of organized labor. I would not detract one bit from the tribute which they paid these labor leaders, but I know and we all know that there are times when the most conservative men take extreme attitudes, and the time the Adamson law was passed was such a time. After that law was passed and was waiting a decision in the Supreme Court of the United States we have the mild-mannered and conservative leader, Samuel Gompers, issue a statement of this kind. Mind you, while the highest court in the land was waiting to decide upon the law here is what Mr. Gompers is reported to have said:

We are looking to the Railroad Brotherhood to see that the eight-hour day goes into effect January 1, law or no law.

And then at the same time, or about that time, we have the mild-mannered, conservative, able leader of the brotherhoods, one branch of them, Mr. W. G. Lee, quoted in the papers as follows:

I care not what the Supreme Court decides about the constitutionality of the Adamson eight-hour law. It will be a nation-wide railway strike unless the roads put the law into effect before January 1, 1917.

Mr. CARSS. Will the gentleman yield?

Mr. BLACK. Pardon me for just a moment. Mr. Ernest Bohm, secretary of the Central Federated Union of New York, is also quoted as follows:

Let the people go hungry. It will be good for their digestion.

Perhaps it will. But let me say to these mild-mannered, conservative, able leaders of union labor that the poorest worm will turn when trodden upon and the dove will peck in defense of her brood; and the worm has turned, gentlemen, and do not ever forget it. The public are demanding better protection than they now have from what would be a catastrophe if there was a nation-wide tie-up of transportation. [Applause.]

In discussing a law which seeks to prevent the danger of a nation-wide strike on carriers engaged in interstate commerce, I want to lay down this proposition: The justification for such a law lies in the fact that the interests of the public are paramount and should be heeded and protected by the enactment of such a law unless to do so would invade the constitutional rights of the railroad employees. Of course, we will all agree, without trouble, I think, that even in cases where the public interests seem to be paramount and demand a certain remedy, if to grant it would invade the constitutional rights of the parties to the other side of the controversy, then the relief can not be granted without proceeding in the orderly way—by an amendment to the Constitution. I am glad that is so, because it is one of the invaluable attributes of our Government, and is the security of the minority against intemperate and unwise legislation on the part of the majority.

Therefore, Mr. Chairman, if any Member believes that an antistrike law affecting the employees of interstate carriers would be unconstitutional, he should, of course, vote against any measure of that kind.

To my mind, however, there is not the slightest appeal in the argument that the Constitution guarantees to any group of employees the right to combine together for the purpose of carrying out a strike to tie up interstate commerce. Would any Member have the boldness to argue that the employers have the constitutional right to combine for the purpose of declaring a lockout of the employees in a given line of industry? I hardly think anyone would be so foolish, and yet the contention of the one would be as sound in reason as the contention of the other. So the truth of the matter simply is that the public has indulged the right to strike, often to its great inconvenience and hardship, because it seemed to be the most useful and effective remedy to labor in securing its rights and bettering its conditions, and because other better and more lawful means had not been established.

To grant this right was not, however, to deny the right of the public to limit and restrict it or entirely deny it in certain cases where its further exercise would be a menace to the general welfare.

So the question in my mind is simply this: Have we come to that point where the employees of the carriers are so completely organized that the exercise of their unrestrained power to strike would be dangerous to the public welfare, and that, therefore, some restraints and limitations must be thrown around it? Of course, the most elementary principles of justice would demand that if the right to strike or to strike at an opportune time is taken away, then labor must be assured that its just demands will be met in some legal and effective way.

The test of any measure having for its purpose the prohibition of strikes is, Does it meet the measure of that requirement? If it does not, then a Member would not be justified in voting for it, even though he is strongly in favor of antistrike legislation.

A measure, however, which assures labor a fair and impartial and competent tribunal before which all of its complaints and grievances may be heard and relief afforded is entitled to our support, and we are no more infringing upon the lawful rights of labor in compelling obedience to its decisions than we would be infringing upon the rights of any citizen in compelling him to submit his cause to courts of justice for trial and adjudication and compelling him to obey their lawful mandates. My own view is that the welfare of labor, viewed in its larger aspects, demands a law which would bring about peaceful settlements fully as much as does the welfare of the public.

The time was when the cave man went out and redressed his grievances and compelled obedience to his rights and often to demands which were not his rights by the sheer power of his might. If he was stronger and more ferocious than his neighbor, perhaps he won. If he was weaker, he paid the penalty of his weakness. His cause prevailed or failed not in proportion to its merit and justice but in proportion to the brute force with which he could drive it through.

Civilization has progressed to a point where we settle disputes in a different way from that in this day and time, and who would have the temerity to suggest that the methods of civilization are not better than the methods of the stone age? Strikes, in a sense, are the methods of force. If society could feel secure in the belief that the power latent in these great organizations of labor would always be used wisely and only in a righteous cause, it might well rest content in a policy of no restraint except that which the will of the organization would itself impose. But we are justified in no such optimism as that. Therefore we should endeavor to set up legal and effective machinery for the settlement of any situation which gets beyond the control of the usual methods of mediation and conciliation.

In other words, we must recognize that occasions may arise when mediation will not mediate and conciliation will not conciliate, and therefore something must be done to protect the public from such a situation.

CONCLUSION.

I therefore favor the creation of a commission of wages and working conditions, to be appointed by the President, and upon which commission the carriers, railroad employees, and the public shall be represented, so that whenever the carriers and their employees, through the representatives of their organizations, are unable to agree by negotiation on questions of salaries, wages, hours of labor, or working conditions, then such matters as can not be agreed upon shall be submitted to this commission for full hearing and investigation and final decision.

Of course, I do not favor any Federal law which would have the effect to prohibit strikes except in cases where the United States Government has clear power under the Constitution to give labor full protection of its rights, but there can be no question as to this power when it comes to railroads, because they are public utilities charged with a public use, and the Federal Government has absolute control over their rates and charges and therefore can protect labor in its every right. If increased wages are ordered by the commission, then the Government has clear authority to see that they are paid.

I am very well aware that Mr. Gompers, Mr. Stone, Mr. Garretson, and other prominent labor leaders take the position that a law of this kind would violate the Constitution, in that it would impose involuntary servitude. I see in recent press dispatches that Mr. John L. Lewis, president of the United Mine Workers, stated in a telegram to Secretary of Labor Wilson, among other things, as follows: "The President's statement of October 25, 1919, threatens invasion of constitutional and inalienable rights of American citizens. It is the climax of a long series of usurpations." And in other places the telegram argues that the Government has no right to prevent a conspiracy to strike, but this argument falls to the ground when it is considered that there is no intention or effort on the part of the Government to prevent any individual employee from working whenever he wants to work and quitting whenever he wants to quit. But there is quite a difference in that fundamental right and the right to conspire with others so to do by means of a nation-wide strike.

That the United States Government clearly has the right to protect itself against a catastrophe of this kind was asserted by the United States Supreme Court in its decision upholding the Adamson law (*Wilson v. New*, 37 Sup. Ct., 298). In that case the court gave to the statute the force and effect of a compulsory-arbitration award, and it was explicit in asserting the

power of Congress so to act, either by direct legislation or "by the enactment of other and appropriate means providing for the bringing about of such result," since if there were no such power to remove the situation created by the dispute, the public would be left helpless, the people ruined, and the power of the Government to enforce the duty of operation of the carriers reduced to derision.

Mr. Chief Justice White very well said in the decision just cited that "the business of common carriers by rail is in a sense a public business, because of the interest of society in the continued operation and rightful conduct of such business, a fact which gives rise to a public right of regulation to the full extent necessary to secure and protect it." Therefore, having such power, I believe that it is the duty of Congress to exercise it in the forthcoming railroad legislation for the benefit of all concerned—capital, labor, and the public.

The strike is a weapon which should not be recklessly employed even in industries of a strictly private nature, but in an industry charged with a public use, such as the railroads, where the Government has full power to afford complete and effective relief, it is wholly unnecessary, and the frequent threatening of it is doing more to prejudice union labor in the eyes of the public than any other one factor that I know of. Whenever union labor turns its back upon legal processes for the settlement of its complaints and gives its preference to the elements of force, it is treading upon very dangerous ground. Some farsighted labor leaders have recognized this fact. For example, Mr. John H. Ferguson, president of the Baltimore Federation of Labor, is reported in the press dispatches of October 29 to have said in an address to the Farmers' National Congress at Hagerstown, Md.: "The strike is an antiquated institution. It has been useful in the past, but the present calls for mediation and arbitration as means for settling labor disputes."

From my viewpoint he is absolutely right, and especially so in so far as his remarks would apply to the railroad industry, because in that case the remedies which may be had are so clearly sufficient, both for the protection of rights and enforcement of obligations, that there should be no question as to their exercise.

The strength of our Government has been due to the fact that it has been a government of law and not of men, and a government of law we must remain if our Republic is to survive. This is no time for extravagant invective nor hostile epithets, but it is a time for a calm and well-considered determination to ascertain what is right and then to follow right irrespective of political consequences or personal fortunes.

Mr. GARLAND rose.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for two minutes.

Mr. COOPER. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GARLAND] is recognized for two minutes.

Mr. GARLAND. Mr. Chairman, I am opposed to title 3 of the bill and also the Webster amendment, and I am for the Anderson amendment in case we pass any provision on labor matters in this bill, but I think we would do much better to have no amendment and no provision of any kind, but simply put these railroads back as they were. We are sending them back to where they belong, to their rightful owners, and we have no right, in my estimation, to encumber the relationship between the employer and the employee with a lot of provisions that will be utilized with the result of producing needless trouble.

The gentleman who spoke a few moments ago [Mr. BARKLEY] said they would not be likely to resort to these boards. God bless him! They will resort to it immediately. You are putting something in here by which men and railroad companies can escape any controversies among themselves. The result will be that they will put everything up to the boards, even the slightest trouble. When you interfere with the relationship between the employer and the employee it is like interfering with the domestic affairs of a family. Every time there has been a strike and an outsider went into it he stopped the brick. In this case the Government will stop the brick. [Laughter.]

I belong to an organization that for over 40 years has met with the manufacturers every year and settled their own affairs. I tell you if there are proper leaders—the leaders are the important thing in these organizations—if they are men of strength of character and strength of mind, to see that right prevails

in demands, there will not be any strikes except where it is absolutely necessary, and in that event the other side either concedes or are compelled to yield. This Congress is trying to take up something that it has no business to handle and it should not attempt it. Mention has been made of a country-wide strike. There has never been such a thing and there never will be one, in my estimation. It is a physical impossibility.

There are three options offered to this bill relative to the settlement of the wage question between the employer and the employee. The Webster amendment is drastic. This provision would take away from the workman his union, his home, and all that he possessed. The committee amendment in the final award would take away from the workingman his union and all the funds that he has therein. The Anderson amendment provides no final penalty against award but does provide a plan, as laid down in the amendment, to refer all disputes to certain boards selected by both sides to the controversy and a penalty of a \$500 fine is proposed for any non-compliance with the provisions of the amendment, but after the final award is made, no penalty requiring the employee to remain at work is imposed, and as I have said heretofore, while I prefer no restrictions on the part of the Government, I accept the Anderson amendment as being the lesser of the three evils, and therefore will vote for it.

It is not necessary to discuss the right and privilege of an employee to quit work, neither is it necessary to discuss the right and privilege of an employer to stop his works. These are rights with which we do not and should not have the right to interfere.

Long experience has taught that if the Government or any other power attempts to interfere in a dispute between employer and employee, that instead of settling their differences on the part of the employer or employee, they will simply refer all disputes of the most trivial character to this board or person, as the case may be, rather than take the responsibility themselves.

In this instance there has not been a demand on the part of the employer—meaning the railroads—or on the part of the workmen for Government interference. As a matter of fact, Mr. Lee, one of the heads of the railroad brotherhood, said a few evenings ago, at a meeting which I attended, that they, meaning the railroad men, did not want Government ownership nor Government interference in their affairs. They preferred to settle their own affairs as they had before the Government took over the railroads. Therefore, there being no demand on the part of either the employer or employee for interference, it seems to me that Congress should not intervene.

In the recent coal strike we have seen the futility of Government interference in wage disputes. The Government held that the miners had a contract until the spring of 1920, and enjoined the leaders of the coal miners' organization against issuing orders for a strike, yet the strike occurred just the same, and when the injunction was finally recognized by the leaders of the union and they sent out word for the men to go to work, the men refused to work, and according to the newspapers are still out at this present moment waiting for a settlement of their dispute. If the Government had not had a voice in this matter, in my opinion there would have been no strike.

The steel workers in their hearing before the Senate committee testified that their grievances were that the State government and local government would not permit them to hold meetings and to have free speech. On the other hand, Judge Gary, representing the steel industries, asked the senatorial committee to "leave them alone" and they would settle their own differences. It seems to me that all of this is splendid evidence of the result of our interfering with the relationship between the employer and the employee.

When there came the "call to arms" when America entered the World War, and loyalty and patriotism was stirred to its uttermost depths, young men, aye, boys, on the railroads, in positions where they were making big wages, and where they had entered an occupation that they intended to follow all their lives, answered the call and went overseas to meet the enemy. When the armistice was signed those who were yet alive were brought back to this country to reenter the occupations in which they had been previously engaged. They had always been capable and able to settle their grievances between themselves and their employers before they went away. Now that they have returned it does not seem just or even appreciative of their sacrifices that they are to be represented by some one else other than themselves in making their demands for wages and for a living.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. GARLAND. Mr. Chairman, I ask unanimous consent to extend and revise my remarks.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. McLANE. Mr. Chairman, I desire recognition.

The CHAIRMAN. The gentleman from Michigan [Mr. HAMILTON] is recognized.

Mr. HAMILTON. Mr. Chairman, I yield three minutes to the gentleman from Wyoming [Mr. MONDELL].

The CHAIRMAN. The gentleman from Wyoming is recognized for three minutes.

Mr. MONDELL. Mr. Chairman, I can not approve the policy of the so-called Webster amendment or the exceedingly drastic provisions for carrying it into effect. In my opinion the amendment is wholly indefensible.

I can not approve the Anderson amendment with its perfectly bewildering number and variety of boards and commissions, each and all of which would be utterly powerless and impotent in the face of a really serious labor controversy covering a considerable portion of the country.

I am not entirely enamored of the provisions of the committee plan incorporated in the bill. In my opinion it is cumbersome and unduly expensive. But of the three it is by far the best.

I had hoped that the committee would bring in a bill with but few and simple labor provisions, only such as are necessary to make available existing agencies. But the committee saw fit to bring in an elaborate provision, and it has some very meritorious features. For one thing, it recognizes the interest of the public in labor controversies—the interest of the public in matters of employment and wages and conditions of labor. It is high time that the interests of the general public were recognized in these matters. So taking it all in all, although the committee provision is not perfect, it is of the three now before the House, in my opinion, the more preferable. [Applause.]

Mr. HAMILTON. Mr. Chairman, how much time has the gentleman from Wyoming yielded back?

The CHAIRMAN. The gentleman has three-quarters of a minute that he did not use. He yields back three-quarters of a minute.

Mr. ANDERSON. Mr. Chairman, I yield two minutes to the gentleman from Alabama [Mr. ALMON].

The CHAIRMAN. The gentleman from Alabama is recognized for two minutes.

Mr. ALMON. Mr. Chairman, the proposed legislation under consideration involves the interest of the railroads, their employees, and the general public. We should be fair and just to each of these interests.

The railroads were taken over by the President during the war and have since been under Government control and operation. The President has given notice to Congress that he would turn the roads back to the owners on the first of January, so that will happen whether this bill passes or not. The committee which reported this bill has seen proper not only to provide for the termination of Federal control and the numerous amendments to the interstate commerce law, but also to provide for the settlement of disputes between carriers and their employees.

That part of the bill providing for settlement of disputes between carriers and employees commonly referred to in this debate as the labor section is now up for consideration. There are three plans on this subject.

The Esch plan reported by the committee, the plan provided in the Webster amendment, and the Swift plan in the amendment offered by Mr. ANDERSON. One of the three will be adopted, and it is for us to determine which is the best.

The Esch plan is unworkable, impracticable, and expensive. The Webster amendment is all this and is radical and un-American in principle. It would enslave 2,000,000 railroad employees. Both of these plans are untried and experimental. The Swift plan embodied in the Anderson amendment is practicable and is without expense to the Government or the public. It has been tried and proved successful. More than 3,000 disputes have been settled by such boards as are provided for in this plan, which is evidence of the wisdom, efficiency, and practicability of the same. The result, if not the purpose, of the Esch plan would be to destroy the organizations of railroad employees. The effect of the Webster amendment would be the same, and more, too. It would authorize the taking of the homes of the members of the organizations. If the Esch plan was adopted and conductors on a railroad in New York should strike, the funds of the organizations of conductors in Alabama and in every other State could be made liable for any damage resulting to the railroad company in New York, and not only this could be done under the Webster amendment, but the homes and other

property of the members of the conductors' organizations could also be sold in the case I have just mentioned.

The effect of either of these plans would be not to control or regulate but to destroy these organizations which have done so much to elevate the members and improve the service, and the railroads and the public as well as the employees would be the sufferers. I can not allow some things which have been said about the organizations of railroad employees to pass unnoticed. I have lived in a railroad town for the past 30 years and have had an opportunity to know something of the aims and purposes of these organizations. I know that their purposes and the effect was not only to protect the members in their rights, but was to elevate them socially, morally, and intellectually. They have also done much to make the members more efficient employees of the railroads.

I believe these railroad brotherhoods have done as much, if not more, than all other influences to prevent the use of intoxicating drinks by railroad men. They are honest, reliable, and trustworthy. If they were not, we could not go to sleep at night in the Pullman cars feeling that we were safe in their hands as they handle the trains in the darkness, through tunnels, around sharp curves, and over trestles with the lives of hundreds of human beings in their hands. The railroad men of all classes, as a general rule, are men of good character, intelligent and industrious, and 100 per cent American, with pure red blood in their veins. There are very few ignorant foreigners among them. They have never participated in a sympathetic strike. I know of no class of men that I would rather trust with my life or property.

We have found that they could be depended upon to live up to their contracts with the railroad companies. They did their full and patriotic duty during the war. I heard of no slackers or deserters in their ranks. They purchased Liberty bonds to the full extent of their ability and discharged their every other duty faithfully and patriotically. This is the class of men we are legislating for. We are not legislating for Bolsheviks, anarchists, and I. W. W.'s. We have not before us for consideration any general plan for the settlement of labor disputes, but only those that affect railroads.

We should not be prejudiced against railroad employees because of the radical leaders connected with the coal strike nor the conduct of the radical foreign element in other branches of industry.

The provisions of the Esch and Webster plans are experimental, unworkable, expensive, and radical. This, in my opinion, is the time for conservatism and conservative legislation. It is no time to stir up more strife between capital and labor. It is no time for untried and dangerous experiments.

I am opposed to both the Esch and Webster plans, and will vote for the Anderson amendment, embodying the plans for boards of mediation, which have worked well so far. I am also opposed to the labor provisions of the Cummins bill.

I believe that the Anderson amendment will be adopted; and if so, the entire article 3 of the bill will be stricken out, and the Swift plan will take its place in the bill. The bill makes liberal provision for the railroads in many ways. It authorizes the indebtedness of the railroads to the Government remaining after settlement of rental owed by the Government to be funded for 10 years on demand notes, at 6 per cent interest, which may be paid, and may not be in some cases. It also makes provision for the railroads to obtain Government loans from a \$250,000,000 revolving fund during the first two years of private operation, such loans to mature in five years, bearing 6 per cent interest. Is not this going far enough for the railroads? But it does not stop at this.

There is one provision of the bill which I regard as being very unfair and unjust to the public and to the taxpayers. It is that part in which the revenue of the carriers for the first six months of private operation are guaranteed by the Government to equal the corresponding standard return paid as rental by the Government during Federal control. This, in my opinion, is a subsidy by the Government to the railroads, pure and simple, and can not be justified. No one knows what this guaranty will amount to. The railroads which make more than the standard return during this six months would be entitled to the surplus and the railroads which do not make it would be reimbursed by the Government under this guaranty. There would be no incentive to such railroads to economize and make operating expenses. There is also a provision for an application during this period for an increase in rates, which, you can rest assured, will be made, but no provision to prevent a reduction of wages of the employees during this period is made in the bill.

I shall certainly vote against this measure if this guarantee of income by the Government and some other objectionable provisions remain in the bill. [Applause.]

Mr. ANDERSON. I yield two minutes to the gentleman from Oregon [Mr. SINNOTT].

Mr. SINNOTT. Mr. Chairman, I want to take occasion to call the attention of the House to one feature of the Webster amendment which has not heretofore been adverted to, a feature which, to my mind, marks its bias and its partiality. That is its manifestly gross, unjust, and unfair discrimination in the difference between the legal sanction and remedy granted against the unions and its members and the legal sanction and remedy granted against the carrier, for a violation of the provisions of this bill. The remedy against the unions is both against the unions and the individual property of the members thereof, even though the member may be wholly innocent, having voted against, and not participating in, the strike or wrongdoing. The remedy and the legal sanction against the carrier is solely against the corporation and not against the members or stockholders of the carriers. I look upon the stockholder of the carrier for the purpose of this bill as analogous to the member of the union, and what is sauce for the goose ought to be sauce for the gander.

I venture to say that if a law were proposed here in this House to abolish the ordinary limitations of liability of a stockholder of a corporation, it would not be considered, it would not be tolerated for one moment in this House. Let us treat both labor and capital with even-handed justice. [Applause.]

Mr. ANDERSON. I yield one minute to the gentleman from West Virginia [Mr. GOODYKOONTZ].

Mr. GOODYKOONTZ. Mr. Chairman and gentlemen of the House, we want industrial peace, we want the arbitrament of controversies, and we want the adjustment of rights between employers and employees as to railroading and all other matters of industrial concern. Therefore I am for the Anderson amendment. [Applause.]

The pending measure relates to the return of the railroads to their owners; the adjustment of the accounts between the Government and such owners; the enlargement of the powers of the Interstate Commerce Commission in regulating the roads; and the establishment of machinery for the settlement of disputes that may arise between the carriers and their employees growing out of questions concerning wages and working conditions.

The proposed legislation concerns matters of the very highest moment—of concern to the public, to the carriers and their security holders, and to their employees. No measure of greater importance will come before the Sixty-sixth Congress, nor perhaps before another Congress for years to come, than the pending bill.

It may therefore be perceived why a representative of the people in Congress, desiring to be faithful to those who have trusted him, should be deeply concerned about arriving at a conclusion deemed equitable alike to the public, the carriers, and the employees.

If the problem be solved it must be worked out in the light of an intelligent opinion according to the rules of fair dealing between man and man.

In considering the problem we should not be limited to mere local or individual interests, nor should we confine our view to a particular one of the tripartite groups, but our view must be broad and cover the entire range of the national horizon. Within the time at my disposal I propose to say a word concerning the rights and the duties of the public, the carriers, and the employees, in the order mentioned.

THE PUBLIC.

It is true that the railroads exercise the right of eminent domain—that is to say, they are privileged to condemn whatever land or rights of way that they may require, and be authorized to take, but no more—but as a rule they pay as much, generally more, than the land is worth. The landowner is thus not only compensated for the land taken or damaged but is enabled to enjoy the advantage of having a railroad in his community.

The carrier engages to render a public service. The carrier should not discriminate between persons or places. The carrier's rates should be reasonable. The carrier should render a prompt and satisfactory service to the public and is entitled to realize a fair and just return on the money invested. For this bonds have been bought as investments by the life insurance companies, the savings banks, and by trustees for widows and orphans and their stocks have found their way into the hands of thousands of our citizens. The public, therefore, not only owns the roads, but is for other reasons interested to know that the roads are in a sound financial condition and perform their duty to the shippers and, in addition, that they treat labor fairly.

The material welfare of the railroad employees of the country is of prime importance as a factor in the financial strength and economic growth of the Nation.

The public is not only entitled to an uninterrupted service, free from strikes and lockouts, but has arrived at a point where it will not tolerate unreasonable or unjust demands, even of labor, in the matter of wages—for such demands, if granted, are at the expense of the public—any more than it will condone the sins of the railroads in the matter of unconscionable rates, discriminations as to service, and incompetent service. The bill proposes to confer upon the Interstate Commerce Commission additional powers as to use of terminals, routing, joint use of stations, water transportation, supply of coal cars, issuing of stocks and bonds—to prevent watering—and the like, all of which are undoubtedly in the interest of the public.

THE RAILROADS.

The railroads of the United States are the greatest in the world not only as to mileage but as to efficiency. The lines have penetrated the remotest regions. All sections from the Atlantic to the Pacific, and from the Great Lakes and the St. Lawrence to the Mexican frontier, have been covered. Beginning on the Atlantic seaboard they went westward; piercing the Appalachians they descended into the Mississippi Valley, and wending their way across the great prairies of the golden West; and, then, thanks to the adventurous, courageous, and patriotic spirit of Jim Hill and others of his type—including the daring engineers who, with theodolite, scaled the lofty mountain ranges and located the lines—they found their way over the Continental Divide and across the pleasant reaches of the coastal plain to the shore of the Pacific. Then other lines were built, so the railroads cover the country like a network, there being in all about 260,000 miles of railroads, of a value of \$20,000,000,000, which is over half of the railroad mileage of the world.

There was a time, and not very long ago, when the railroads were the subject of abuse. The favorite object of attack of State and National legislators and politicians, and this spirit has not entirely died out. I have seen manifestations of it on the floor of this Chamber during this debate. The roads have had to struggle to maintain their existence.

Legislative rate making—State and Federal—and unjust taxation have kept them on the jump, and these constant menaces, growing more ominous from day to day, have put railroad securities in peril and thereby injured their values. It is up to Congress to protect these properties by enacting such laws as will permit an income adequate to maintain the property and improve the service, to pay good wages to the men in order that they may fulfill their duty to the passenger and to the shipper, and to guarantee to the shareholders a dividend commensurate with the value of the property.

The carriers have a right to challenge at our hands protection to their interests, for we have proposed, with the strong hand of the Government, to supervise and regulate their performances as they affect the public.

I am unalterably opposed to Government ownership of railroads. I favor the return of the roads to their owners without delay. The experiment of Government operation of railroads has cost the people several hundreds of millions of dollars.

As proof of the incompetence of Government management, let me read you extracts from a letter written by a railroad employee and published in Railroad Democracy of August 28, 1919. A copy of this letter embodied in a newspaper article was sent me by an organization of which Warren G. Stone, grand chief of the Brotherhood of Locomotive Engineers, is the president, and Mr. Samuel Gompers is the honorary president. The extracts are as follows:

Almost daily we read and hear about the great and steadily growing deficit brought about by the railroads being under Government control. Various reasons for it are being put forth, and it is possible that those reasons are correct. The average man is not well enough posted on such matters to contradict them. However, there are times when we wonder if there are not other causes in addition to those already stated which may have, in a measure, helped to bring about this deficit.

For instance, in the yards at this point prior to the time that the Government took charge there were 4 yardmasters, and this at a time when business was exceptionally good. Shortly after the Government took hold of things this force was increased to 10 men, and they are still there, all drawing substantial salaries. We used to get along with 2 or 3 trainmasters, with an occasional extra put on for special duty. Now there are 4 or 5, and the extras. The road foreman of engines had 1 or 2 assistants, and now there are 5 of them.

In the various shops at this point they had one or two foremen. Now they have as high as 15 or 20, and even more in some of the shops, and in some cases the foreman has only one or two men working under him. In some of the offices the clerical force has been doubled and even trebled, and in one particular office only a short time ago they had so many clerks that they were continually getting in one another's way. Various official and supervisory positions have been created and the holders of them have been paid a substantial salary.

And there are other matters which might be mentioned in connection with this. Some time ago a man was needed to fill a temporary vacancy in a clerk's position which paid \$120 per month. To fill the position an employee whose salary was \$190 per month was taken from his regular position and used to fill the \$120 position and given a couple of days in which to post up on the work. To fill his position a \$160 employee was moved up and allowed the higher rate of pay, and to fill the vacancy

thus created a \$140 man was moved and allowed the higher rate, and all the time there was a \$120 clerk available who had worked the first-named position and was acquainted with the work.

After a certain class of employees had been given the eight-hour day they were for a long time kept working 12 hours and paid for the overtime at overtime rates and were told that men were not available to relieve them, and at the same time men applying for positions were being told that men were not needed.

The material sheds and yards are filled to overflowing with material of all kinds; cars loaded with it are being held out of the service for days at a time, because the men in charge do not know what to do with it and where to put it, and still it keeps coming. A fireman some time ago stated that they have enough on hand to last them for the next five years. What do they intend to do with it and of what good will it be if it is not used up and allowed to lie around in the weather for the next three or four years?

The foregoing alleged facts, if true, are an indictment against the administration. The roads have been under the civil and military control of the President. The President first appointed his son-in-law, Mr. McAdoo, now of the movies, to the position of Director of Railways, and later, upon the resignation of Mr. McAdoo, he appointed Mr. Hines to that position. If the facts alleged be true, then McAdoo and Hines are responsible for such condition of affairs. The directors have operated the roads at tremendous loss to the Government, and I suppose the cause of it, in large part, is explained by the words which I have read to you. All this is an argument against Government ownership.

If during the time the roads have been under Government control an excessive number of men have been kept in the service or have loafed on the job, the directors of the railways are unquestionably responsible therefor.

My observation is that the original officers of the railroads have not had much to say. Some of them were removed or supplemented by others at the instance of the director. Those that remained in the service were watched—as, indeed, were all the employees—by certain Government “inspectors” who have been riding the trains and roaming over the country. The general as well as the divisional officers in my district are of the very highest type, honorable and able, but their hands have been tied. They have not dared to dismiss a recalcitrant employee without the permission of the Railway Administration.

The operation of the roads under a Democratic administration has resulted in the loss of hundreds of millions of dollars that must be made good by taxes upon the people who are already groaning and staggering under the burden of a national debt, grievous to be borne.

Therefore I am opposed to Government ownership; also to the plan of Mr. Plumb, a Chicago lawyer, which is even worse. Plumb would have the Government buy and pay for the roads and, in addition, be responsible for the deficits. Under the Plumb plan the roads would constitute a liability rather than an asset to the Government. The thoughtful and intelligent railway employees with whom I have discussed the “great Plumb plan” look upon it as an absurdity.

If the Government is to purchase the railroads and turn them over to the employees, who are to fix their own wages and operate such roads for their own benefit, why should not the same course be pursued as respects all other public-service corporations, such as the traction lines, the telegraph, the telephone, and the light, heat, and power companies? And why distinguish between the employees of public-service corporations and those of private corporations? The employees in the mining of coal, iron, oil, gas, copper, gold, and other minerals or metals would be just as much entitled to the same consideration. Likewise the workmen employed in other occupations, such as manufacturing, agriculture, commerce, and seafaring, should be accorded the same generous treatment.

Paternalism is bad, socialism is worse, but “Plumbism” is silly. The doctrine of “Plumbism” is aptly illustrated in the circumstance of a fellow who would say to you “I want you to give me your horse, and as a consideration for the acceptance of the gift I require that you will continue to furnish feed for the horse.”

THE EMPLOYEES.

I now come to my third proposition—the employees. On the motion of the gentleman from Indiana [Mr. ANDERSON] to strike out the matter contained under the third title or section of the committee bill, which reads thus: “Disputes between carriers and their employees” and to substitute other provisions in lieu of the committee draft.

The chief objections made by labor to this provision is that it provides for compulsory arbitration and requires that the award be made a part of the contract between the parties, forbids strikes, and gives a right of action to the carriers against the unions for damages sustained for any breach of that contract. I am opposed to this provision of the bill. My reasons therefor, in brief, are these:

Why should the railway men be singled out and made the subject of such legislation, leaving out all other union labor.

The railway brotherhoods have been the great conservative element in unionism for the past 30 years. They have been the balance wheel that has kept down radicalism. They have opposed socialism that leads to anarchy and revolution. They have not been in the class of McNamara, of the bridge builders, now serving terms for dynamiting; nor in the class of Lewis of the mine workers, who would call a nation-wide strike in abrogation of unquestioned pending contracts, such as existed in the Fairmont, Kanawha, and New River fields between the coal operators and that union.

Why provide a remedy for the recovery of damages against the railway brotherhoods when it is a fact that they have never been known to break a contract? The character of these brotherhoods is above reproach. As honorable men they have always fulfilled their contracts. With only one exception, there has not been a strike of railroad men in my district during the past 25 years.

Again, such legislation as this would prove abortive.

The Indianapolis injunction can not be enforced unless the defendants are willing to comply with the spirit of the decree. They may keep to the letter of the mandate and yet the men not go back to work. All this goes to show the futility of enacting statutes designed to coerce large bodies of men in respect to performing labor. You can take a horse to water, but you can not make him drink.

I regard the provisions of the committee bill only as sources of irritation and as provocative of trouble.

Human nature resents all interference with personal liberty and revolts at compulsion. The men, as good citizens, might abide by even a bad law, but they would do so in sullen mood and feel revengeful against those who enacted it as well as those who would seek to enforce it.

I hope the amendment proposed as a substitute will be adopted. It would provide a peaceful system for arbitration and award. The employees' organizations are willing to accept this amendment and to abide by the results of its operation if it be enacted into law. There will be no strikes if this provision becomes a law. No organization of men could afford to violate its terms or the judgments rendered under it. The passage of the measure will constitute one of the most forward steps taken in matters of legislation during the past decade.

Further, in supporting the substitute amendment let me say that I am representing the wishes of thousands of my constituents. In my district are four large terminal yards. Two of them—one at Bluefield and one at Williamson—are on the Norfolk & Western, Hinton on the Chesapeake & Ohio; and Princeton on the Virginian; also subordinate terminals at Gary, Vivian, Mullens, and Logan. This great district includes employees of six railroads, and I am here to represent them. The employees of these roads are not only personally interested, but the business men of my district are also interested in their prosperity. This great body of workers are entitled to the very highest consideration at the hands of this Congress.

Mr. Chairman, I believe that the compulsion of public opinion will enforce the judgments that may be awarded by the courts of arbitration provided under that amendment. I believe that the force of public opinion will control the execution of those judgments and render the law efficacious. [Applause.]

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ANDERSON. Mr. Chairman, there are three distinct propositions before the committee dealing with the settlement of disputes between the carriers governed by the provisions of this bill and their employees.

The first is that proposed by the gentleman from Washington [Mr. WEBSTER], which provides for a commission on wages and working conditions composed of nine members, four appointed by the President from a list furnished by the employees, and four from a list furnished by the railroad executives, and these eight are required to select one other, who shall be the chairman. The composition of the commission follows very largely the plan of the Newlands Act, which provides for the appointment of an umpire and which so far has not been successful. The composition of the commission is such that the chairman would act as an umpire, and the decision would therefore in all cases of disagreement between the carriers and the employees be the decision of one man. This situation is in opposition to the experience not only of our own country but elsewhere, and contrary to American ideals for the settlement of industrial disputes.

The commission is authorized to hear all disputes as to wages and terms and conditions of employment, and to establish the

wages and conditions of employment that shall govern both the carrier and the employee in interstate transportation. There can be no doubt that Congress has the power either directly or through a commission to fix the wages and conditions of employment which shall apply in interstate transportation, but it clearly can not, under our Constitution, compel any person to work for the wages or under the terms and conditions fixed or punish any person for refusing to work under the wages or conditions established.

The proposition proposes to enforce the wages, terms, and conditions established upon both carriers and employees by providing, as to carriers, that the carriers shall be liable to the labor organization and its members for all damages arising out of its failure or refusal to conform to the wages, terms, and conditions established; and as to the employees by requiring not only the common property of the union but also the individual property of the members of the union to respond in damages for the failure of any such union or its members to conform to the established wages, terms, and conditions. The liability here established is a civil liability and must rest for a legal foundation upon the assumption that a legal contract has been arrived at between the carrier and its employees. I assert that no such contract can be arrived at except by agreement, and that when such a contract is arrived at under the provisions of the Webster amendment it would not be a contract the terms and conditions of which were arrived at by agreement between the carriers and employees, but a contract in which the terms and conditions might be fixed by the chairman or umpire without the consent of one or the other of the interested parties.

I do not believe that a contract so arrived at can be made the basis of civil liability. But assuming that under the provisions of this amendment it is possible to arrive at a legal contract, the proposition to compel the property of the individual members of the union to respond to a failure on the part of the union as a whole or some members of the union to keep the agreement has no basis either in American jurisprudence or fundamental justice. Under such a provision an employee of a railroad who had been long in the service and who by industry and frugality had acquired a competence for his old age might find his competence swept away in a suit for damages arising from failure on the part of the union or its members to keep its agreement, with which agreement he had nothing to do, and which might be arrived at without his consent or that of the union to which he belonged.

We have recognized the principle of limited liability as an incidental but important part of our industrial structure. The limitation upon the liability of a stockholder of a corporation is a settled feature of our law, and the departure from this principle in the Webster amendment, which proposes to make the property of a member of a labor union responsible for damages arising from a failure of the union or some of its members to keep its agreement is without the slightest justification in either law or morals.

The Webster amendment also prohibits anything in the nature of a strike or lockout prior to the submission of any question in dispute and while such dispute is under consideration by the board of wages and working conditions. Such a provision may have some merit, but it can only have merit if the machinery provided is of such a character as to insure both prompt and just decisions. It is certain that the single board set up in the Webster amendment would be so overwhelmed with the multitude of disputes and delays incident to the determination of them as would in the end amount in some instances to a substantial denial of justice.

The proposition contained in the bill reported by the committee provides for the creation of two boards—the first known as the adjustment board and the second as the board of appeals. The general jurisdiction of the boards is substantially the same as that in the Webster amendment, but the committee proposition contains no provisions which prohibit a strike either before or pending the negotiations. The appeal board acts only in cases where the board of adjustment fails to arrive at a decision or certifies to the appeal board that it is unable or will be unable to arrive at a decision. The appeal board has no original jurisdiction.

The adjustment board consists of not more than 34 members, one-half selected by the railroad executives and one-half by the railroad labor organizations. Disputes are to be determined by conference committees appointed by the adjustment board consisting of an equal number of representatives of the carriers and of the unions selected by them, not exceeding 17 by each, and two-thirds of the entire group is necessary to a decision. The board of appeals is composed of three representatives of the carriers, three representatives of the employees, and three representatives of the Government, the last three having no vote. Concurrence of five-sixths of the members of the appeal board is

necessary for a decision, but one provision of the committee proposition provides that agreements between the carriers and the employees may be made by concurrence of a majority of the representatives of the employees and a majority of the representatives of the carriers on the appeal board. The decisions of the adjustment board and of the appeal board become a part of the contract between the carriers and their employees and are to be enforced by a provision which makes the property of the carrier or the common property of the union liable for damages arising from its failure to conform to the decision or agreement. I would not regard this provision as either radical or unjust if it were confined to the enforcement of contracts agreed to by a majority of the representatives of both the carriers and the employees. I believe that when the representatives of the carriers and their employees have arrived at an agreement that that agreement should be kept, and I do not think it is unfair to make reasonable provisions requiring the performance of such contracts; but the committee plan, unfortunately, does not require in every instance for a decision the concurrence of a majority of the representatives of both the carriers and the employees' unions. To illustrate, let us suppose that the adjustment board, to which all disputes must be referred in the first instance and whose decisions are final when arrived at, is composed of 30 members, 15 representing the carriers and 15 representing the employees' unions. Two-thirds of the total number are required for a decision; that is to say, 21 members of the conference can arrive at a decision binding both upon the carriers and the employees' unions. If the carriers, for example, stand together and induce 6 members of the employees' group to stand with them, a decision would be arrived at; but as 9 out of the 15 employee members do not agree to the decision, it is clear that a decision has not been arrived at by a majority both of the representatives of the carriers and of the employees' unions; and I repeat here that I do not think an enforceable contract can be arrived at by a decision in which there is not a concurrence of a majority of the representatives of both parties to the contract.

The provisions of the committee bill are also subject to the objection that the machinery is not sufficiently ample to make it certain that there will be prompt determinations of the questions which may be submitted to it.

The amendment which I have offered, which was drawn by the gentleman from Iowa [Mr. SWEET] and presented by him to the Committee on Interstate and Foreign Commerce during its consideration of the bill, simply gives a legal status to the machinery already set up by the Railroad Administration for the settlement of disputes between the carriers and their employees. It provides for the creation of three adjustment boards, composed equally of members of the unions and of representatives of the carriers, to which disputes as to wages and working conditions are referred by the employee unions and the railroad executives. It also provides for three adjustment boards of appeal, selected in the same way, to whom disputes are referred in case of failure of the adjustment boards to arrive at a decision. It contains no compulsory features whatever.

It is almost universally recognized that compulsory features based either upon civil or criminal liability attached to provisions for the settlement of industrial disputes have almost invariably failed of their purpose for the reason that no method has ever yet been devised by which it was possible to compel men to work or prohibit them from refraining from work under specified wages and working conditions, and these difficulties are increased in our own country by the constitutional limitations upon involuntary servitude and by the generally recognized principle of freedom of contract.

It is asserted in support of the proposition to establish a court or a commission with power to fix wages and working conditions that every right of mankind, including those of liberty of the person and even of life, must be submitted to a court for judicial interpretation and enforcement, but no court in this country has been or can be clothed with the power both to make a contract for the parties and to compel the observance of it by them. It is true that courts have the right to enforce contracts actually entered into by the parties and to require the property of each to respond in damages for failure to perform the contract in accordance with its terms, but no court has the power to compel the performance of personal service. Under these circumstances the enforcement of the provisions contained in a decision which is based not upon the agreement of the parties but upon the determination of a court or a commission must rest not upon compulsory provisions but on the recognition on both sides that the process of the court or commission are fair and expeditious, and that the decision is just and equitable, and upon a willingness of both sides to submit the controversy to it.

It is clearly desirable from the standpoint of the employer and the employee as well as from that of the public that strikes should be prevented or at least made unlikely and of infrequent

occurrence. It would seem as though the best method of accomplishing this result is by removing the causes which occasion strikes. This can be done by promoting the community of interest between the employer and the employee, and a reasonable distribution of the profits of industry between the several classes which produce the commodity or render the service. It can not be done by setting up machinery for the settlement of industrial disputes in whose processes and decisions none of the classes involved has confidence. It can be promoted by setting up machinery whose processes the employer, the employee, and the public believe to be just and equitable. It can not be done by compulsory processes which incite discord, enmity, and prejudice.

Aside from the mere settlement of disputes as they arise, there is a wide field for helpful investigation and cooperation on the part of industrial commissions in determining the relative value to society of the several elements which enter into a given commodity and in promoting a community of interest between the classes involved.

The fact is that we are still a long way from a fundamental remedy for industrial troubles, and we will continue to be so long as the settlement of these troubles rests upon force rather than upon understanding. Any general plan of dealing with industrial disturbances which is based entirely upon repressive measures and which fails to afford opportunity for investigation, research, and cooperation is certain to be a failure.

Mr. HAMILTON. Mr. Chairman, I yield nine and three-fourths minutes to the gentleman from Massachusetts [Mr. WINSLOW].

Mr. WINSLOW. Mr. Chairman, the provisions of the bill on this subject represent the finding and recommendations of the subcommittee. I think the differences of opinion expressed here to-day clearly indicate the difficulties under which that subcommittee labored. We had to determine, first of all, whether we would undertake to recommend provisions of law which would provide a penalty of one sort or another, or whether we would follow out the more conciliatory plan of action. We concluded that the trend of the times and the thought of the hour ran strongly in favor of the conciliatory plan. So we determined that we would work out the machinery on that basis. How should we go about it? How should we provide for the consideration of the differences? We determined that we would take the advice of a labor leader who appeared before the committee and argued in favor of boards of equal representation between capital and labor. I refer to Mr. Doak. You can find his testimony in the second part of the hearings. Now, labor comes in and says "No." They do not want it at all. We worked out the scheme in accordance with the ideas of the labor representative who appeared before us. If we are wrong he was wrong. We took him to be sincere, and we built up the structure on his recommendation.

If you want the proposition of the gentleman from Washington [Mr. WEBSTER], you know all about it and you can vote for it. I will not take any time upon it. But as between the Anderson substitute and the Esch plan in the bill, you do have to make a distinction in forming your opinion.

The Esch plan was recommended to the full committee by the subcommittee. Two or possibly three members thought that something else would be better. Otherwise the committee agreed to the plan after considerable discussion of various provisions. In due time it was thought that we ought to include a more drastic provision, and you have the result in the committee bill. The gentleman from Iowa [Mr. SWEET] offered in committee a substitute plan for the Esch plan and predicated, I believe, on the conciliatory suggestions. The members of the committee varied at the end on how the machinery should be operated in respect of the proceedings in the court.

I will make no defense of the Esch plan; it is perfectly clear and everybody can see what it is. But when you come to talk about the complexity of the plan it is nothing compared with the complexity of the Anderson amendment.

I have prepared a list of faults in the Anderson bill, and I wish to warn Members that it will not do the work that it should do, all of which items would be provided and the machinery provided for in the Esch bill. I will read these without comment:

1. No provision for growth; three adjustment boards are fixed and inflexible—section 301 (18) provides for creation of additional boards, but does not say how many new unions must arise before such boards shall be created, who shall determine when they shall be created and compel their organization. For instance, the Brotherhood of Railway Signalmen is unrepresented in this bill. During the war 10 new railway unions were formed.

2. Express companies and Brotherhood of Teamsters omitted—125,000 employees. Recent New York strike. Pullman Co. and Order of Pullman Conductors omitted.

3. Boards can not adjust membership to meet particular disputes. For instance, dispute involving machinists must be settled by board with representatives of five other shopmen's unions on employees' side. On the other hand, nation-wide dispute must be considered by at least three adjustment boards in order to bring in all the unions and conflicting decisions will result. This is avoided in committee's bill by panel and conference committee scheme.

4. Appointment of carriers' representatives. Under Railroad Administration boards from which this plan copied this done by regional directors—see, for instance, General Order 13, section 1—but now thousands of railroad heads must get together of their volition. No definite responsibility fixed for the appointment. Express and Pullman companies would be outvoted by railroad representatives and so have no real representation. If any appointment fails, bill provides for no alternative appointments by President, and so whole board will fail to function. The declarations of duty in section 300 (1), (2) are too general on which to base the penalty in section 301 (22) for failure of this sort.

5. Who decides as to credentials of appointees.

6. Carriers or unions may remove representatives pending consideration of dispute, and thus obstruct proceedings they consider unfavorable to themselves.

7. Commissions—that is, the upper boards—merely duplicate the lower adjustment boards, not composed of public officers compensated by United States and taking oaths to United States, but comprised of private agents. No public representatives on these commissions to enforce public viewpoint.

8. No permanent investigative body as to relations of carriers and employees. See section 312 (3) of committee bill.

9. Decisions by bare majority vote. See section 300 (24) and section 301 (16). Does not make for confidence in result.

10. Bill provides three different conflicting methods for reference of disputes to commissions, i. e., the higher boards. Section 300 (2) says dispute to be referred if "can not be decided by adjustment board." Who is to determine when can not be decided? If the adjustment board itself makes this determination it can forever deny jurisdiction to the commission. Section 300 (25) says that "one-half the members of any board" may refer disputes to the commission. On this basis either group may refuse to rub noses across the table, but insist on sending dispute up to commission immediately. Section 301 (6) says dispute to be referred to commissions when "no agreement has been reached by adjustment board." The previous difficulty arises of who shall determine when no agreement has been reached. Which of these three statements is the law?

11. Section 301 (19) makes no provision for immunity bath, for these are not provided in the commerce act to which the paragraph refers, but in the separate acts known as the testimony act and the immunity-bath act. Does not specify who is to sign subpoenas on the board. Finally it is generally considered that such powers as these can be given only to Government officers and not to private representatives. No provision for access or right to copy papers.

12. Section 301 (11), mandatory (uses "shall"), compels commission to come to decision. If penalty provision has any application would apply here, and representatives on commission thus become liable to \$500 fine for failure to decide. Same for adjustment board, section 300 (17).

13. Incorporation of terms in "existing agreement." What are these existing agreements that are subject to the act? Does not say contracts of hire. Yet if terms of agreements not incorporated in contracts of hire, unions must rely on strikes and not courts to compel carriers to observe such agreements, and carriers can not enforce them, but are left at mercy of unions. Union not made liable, because it can not be sued in group name or have common property available.

Anderson substitute (p. 7, line 14, to p. 8, line 9) provides only one method of getting a dispute considered by the railway board of adjustment, namely, joint action by union and carrier. There is no provision whereby either union or carrier alone can refer a dispute to the board.

Now, no one has raised a point as to the lack of provisions for the operation in the Esch bill. Here is a proposition put in here to get around the same idea through the instrumentality of several commissions which do not have the authority vested in them to do what the bill requires. If you want a bill scientifically worked out along the lines of conciliation which will work, every part fitting into every other part, the only proposition you can wisely vote for is the Esch bill. If you want to take a

chance not based on conciliation, not scientifically worked out, no part fitting into another part, why, then, your course is to vote for the Anderson bill. [Applause.]

Mr. WEBSTER. Mr. Chairman, in the one minute remaining I desire to say that if I am afforded the opportunity I shall offer an amendment to section 304 of my substitute so as to make it unlawful for the carrier to order or effect a lockout. It was a mere oversight that it was not included in the amendment.

The CHAIRMAN. All time has expired, and the question now comes on the amendment offered by the gentleman from Minnesota [Mr. ANDERSON] to the substitute proposed by the gentleman from Washington [Mr. WEBSTER].

The question was taken; and on a division (demanded by Mr. NOLAN) there were 151 ayes and 75 noes.

So the amendment to the substitute was agreed to.

The CHAIRMAN. The question now comes on the substitute as amended.

The question was taken; and on a division (demanded by Mr. ANDERSON) there were 146 ayes and 117 noes.

Mr. BLANTON. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chair appointed Mr. HAMILTON and Mr. ANDERSON as tellers.

The committee again divided; and the tellers reported that there were 161 ayes and 108 noes.

So the substitute as amended was agreed to.

Mr. MADDEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MADDEN. The substitute having been adopted for section 304, is the substitute now subject to consideration under the five-minute rule for amendment?

The CHAIRMAN. The substitute was adopted to section 300 of Title III. The substitute was amended by the adoption of the amendment of the gentleman from Minnesota. The Clerk will proceed to read the following sections of Title III, and the Chair will recognize the gentleman from Minnesota [Mr. ANDERSON] to move to strike out those sections. However, it would be in order to offer an amendment perfecting the section. The Chair will now recognize the gentleman from Minnesota.

Mr. MADDEN. Mr. Chairman, I did not get a ruling on the question which I propounded, which was this: The committee having adopted the Anderson amendment as a substitute to the amendment offered by the gentleman from Washington [Mr. WEBSTER], and after having adopted that as a substitute to section 300, the question now is, Is the substitute as adopted open to the five-minute consideration for amendment?

The CHAIRMAN. The Chair would state that the substitute proposed by the gentleman from Washington [Mr. WEBSTER] was a substitute for section 300 of Title III; that he gave notice when he offered it that if the substitute were adopted he would move to strike out the subsequent sections in the bill in Title III.

The gentleman from Minnesota [Mr. ANDERSON] offered an amendment to the substitute proposed by the gentleman from Washington, and that amendment was agreed to. After that amendment was agreed to, and before the vote, it would have been in order for the committee to have offered further amendments to the substitute as amended, but the substitute now has been adopted as amended, and no further amendment to the substitute as adopted would now be in order. The Clerk will proceed to read the subsequent sections of Title III in the bill, and amendments to those sections may be offered, but the Chair will recognize the gentleman from Minnesota [Mr. ANDERSON] to move to strike out the sections after they have been read.

Mr. EVANS of Nebraska. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. EVANS of Nebraska. In the CONGRESSIONAL RECORD, on page 8480, I notice the offer of the gentleman from Washington was a substitute for section 300 and all succeeding sections of Title III. Does not that include all of them?

The CHAIRMAN. The Chair would state that he could not offer them as a substitute for sections that had not been read; that the parliamentary practice is that after the first section is read a substitute is in order, provided notice is given that when the following sections are read the motion will be made to strike them out.

Mr. BARKLEY. Mr. Chairman, will this motion have to be made at the end of each section as it is read?

The CHAIRMAN. It will.

Mr. BARKLEY. Then, Mr. Chairman, I ask unanimous consent, in view of the action of the committee, that the gentleman from Minnesota [Mr. ANDERSON] be permitted to make the motion to strike out the remainder of the title instead of each section as it is read.

Mr. SANDERS of Louisiana. That would save the time of reading it.

Mr. BARKLEY. And that the reading of the other sections be omitted.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that in view of the action of the committee upon the Webster substitute as amended it shall be in order for the gentleman from Minnesota [Mr. ANDERSON] to move to strike out the remaining sections of Title III of the bill and that the remaining sections shall be considered as having been read. Is there objection? [After a pause.] The Chair hears none, and the Chair recognizes the gentleman from Minnesota to make that motion.

Mr. ANDERSON. Mr. Chairman, I move to strike out all of Title III as it appears in the bill, beginning with section 301, on line 23, page 22.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. ANDERSON moves to strike out, on page 22, beginning on line 23, down to and including line 2 on page 39.

The CHAIRMAN. The question is on agreeing to the motion offered by the gentleman from Minnesota.

The motion was agreed to.

Mr. MADDEN. Mr. Chairman, I offer the following amendment as a new section at the end of the Anderson amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. MADDEN offers the following amendment as a new section at the end of the Anderson amendment:

"That no carrier under the control or supervision of the Federal Government shall enter into or be bound by any contract or agreement with any union, association, or federation of employees which excludes from membership in such organization or organizations native-born American citizens; and provided that all rules and practices governing the rates of pay and working conditions of railway employees shall apply equally and impartially to all employees of a class, regardless of their union, association, or federation affiliation."

Mr. BARKLEY. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. The gentleman will state the point of order.

Mr. BARKLEY. The point of order is this: Nowhere in this bill or in the Anderson amendment is there any proposal to prescribe the qualifications of members of labor organizations. The bill seeks only to deal with controversies arising between organizations as constituted under their rules and by-laws and railroads who employ men belonging to those organizations. The amendment offered by the gentleman from Illinois seeks to prescribe qualifications for membership in these various organizations, and therefore, from that standpoint it is, in my opinion, not germane to the bill or to the section after which it is offered or to any part thereof.

Further, there is no provision in this bill seeking to limit the power of labor organizations and railroads to enter into contracts of any sort that they may see fit to enter into. The amendment of the gentleman from Illinois seeks to limit railroads now under Government control from entering into contracts with labor organizations prescribed in the bill.

Mr. MADDEN. Mr. Chairman, there can be no question but that under the bill that is now before us it is competent for the railroads to enter into contracts with their employees, and the bill provides by the amendment already adopted that negotiations to settle disputes between the employers and the employees of railroads shall be adjudicated by the commission that is sought to be appointed under the bill. Because an attempt is made through the section which I offer as a new section to provide that railroads shall not be permitted to contract with organizations which seek to exclude from their membership native-born Americans, it can not be said that it is a violation of the terms of the bill, as far as we have gone. I maintain that the amendment is germane because it deals with the very thing that the so-called Anderson amendment provides. It is provided in that amendment that boards shall be appointed, that these boards shall sit and shall sit for the purpose of adjusting differences between employers and employees, and that as a result of the conclusion of these negotiations there shall be contracts entered into, and that the contracts shall be entered into between the railroad companies on the one hand and the employees of the railroad companies on the other.

That being the case, there can be no question about germaneness. There can be no question, in my judgment, about the fact that this relates to the provisions of the bill, and this is a provision of the bill which relates to labor and labor disputes and contracts. What do we propose to authorize negotiations upon if there are to be no contracts? Why do we propose to say that

the union whose members are employees of the railways shall appoint representatives to negotiate on behalf of their unions if there are to be no contracts? If there are to be contracts, I maintain that those contracts can be so limited as to provide that they shall not be entered into between the railroad companies and any organization that prohibits the admission of native-born Americans to their membership. Now, this is a good time to talk about Americanism. We were talking about the foreign-born men being in these unions and destroying the fabric of American Government.

Mr. BEE. Will the gentleman yield?

Mr. MADDEN. I decline to yield just now.

Mr. BEE. Thank you.

Mr. MADDEN. If there ever was a time when we ought to talk, practice, and legislate for Americanism, this is the time and here is the place. [Applause.] I say, Mr. Chairman and gentlemen of the committee, that this is a proper provision, that it speaks for itself on its face, and what I propose to do here is not to permit the control of organizations of employees by foreigners, but to prohibit those organizations from entering into any contract with their employers where the organization itself prohibits the admission of a native-born American. I maintain that the section which I have handed in, in the form of an amendment, is not only germane to the section which precedes it but it is germane to the bill itself.

Mr. BEE. Will the gentleman now yield?

Mr. MADDEN. I will.

Mr. BEE. I understand the gentleman's amendment provides that these unions shall not keep from their membership the native-born Americans?

Mr. MADDEN. Yes, sir; that is it.

Mr. BEE. But the gentleman does not go further and say that they shall keep out of their organization alien anarchists.

Mr. MADDEN. I am willing to add that—

Mr. BEE. But you did not in your amendment.

Mr. MADDEN. If the gentleman will offer the amendment, I will be glad to accept it.

Mr. BEE. But the gentleman does not provide for it—

Mr. MADDEN. I think we are dealing now with America, and I do not think there is any better place anywhere or any better time than right here to decide that we are for America and Americans. [Applause.]

Mr. CARSS. Will the gentleman yield for a question?

Mr. MADDEN. Yes, sir.

Mr. CARSS. Would the gentleman prohibit an organization that barred negroes from joining making a contract with a railroad corporation?

Mr. MADDEN. I certainly would, because they are native-born Americans.

Mr. NOLAN. Will the gentleman yield? What organization bars native-born Americans?

Mr. MADDEN. They all bar them. If a large section of the American citizenship is only to be used when the country's life is in danger to carry a rifle and defend the flag and can not be considered as worthy of membership in organizations who are entitled to make contracts with their employers, then it is a sad day for the equal rights of American citizenship.

Mr. NOLAN. Will the gentleman yield further?

Mr. MADDEN. The time has come when we all, without fear or favor, should stand up here and defend the rights of those loyal men who have defended the American flag, who have given their blood for the country and made it safe that the Republic might endure. If they are to be discriminated against on every occasion, now is the time to say so.

Mr. BARKLEY. Will the gentleman yield for a question?

Mr. ANDERSON. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The Chair would like to hear the gentleman.

Mr. ANDERSON. Mr. Chairman, I desire to make the further point of order that the amendment is not in order nor any other amendment is in order at this time.

Mr. MADDEN. I am offering it as a new section.

Mr. ANDERSON. The committee has agreed to a substitute for section 300 and all of the sections following comprising Title III of the bill. The committee has by a vote stricken out of the title all of the sections which were in it when reported. The substitute which the committee adopted, as the Chair has already ruled, is not now subject to amendment, and there is therefore nothing pending before the committee to which the amendment of the gentleman from Illinois could be an amendment, and therefore the amendment is clearly not in order under the action which the committee has previously taken.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] offers as an amendment to follow the amended substitute just adopted by the committee the provision:

That no carrier under the control or supervision of the Federal Government shall enter into or be bound by any contract or agreement with any union, association, or federation of employees which excludes from membership in such organization or organizations native-born American citizens: *Provided*, That all rules and practices governing the rates of pay and working conditions of railway employees shall apply equally and impartially to all employees of a class, regardless of their union, association, or federation affiliation.

If the amendment is now in order and germane it must be by reason of something that is now in the bill pertaining to the same general subject. The only thing in the bill now under the head of labor disputes is what has been termed in the committee the Anderson amendment which was adopted and the Webster substitute.

The Anderson amendment deals with the method of adjusting controversies between the carriers and their employees, particularly with respect to the wages, hours of service, conditions of employment, and controversies arising from the interpretation of wage agreement. It sets up a machinery to deal with these problems and outlines the method for their determination and for making their findings effective. It seems to the Chair that an amendment proposed to limit the control or freedom of either of these parties—the carriers or their employees—to enter into contracts or agreements is not germane to a proposition providing for the settlement of disputes; that is to say, that where you set up machinery for the adjustment and determination of disputes, as is now provided by the amended substitute, it would not be germane to then say that the carrier shall not enter into or be bound by any contract entered into with an association which excludes certain people from its organizations or that working conditions shall apply equally and impartially to all employees or a class—that such a provision written into the law would not be germane to a plan to be adopted for adjusting disputes and controversies of the character covered in the Anderson amendment. And the Chair therefore sustains the point of order.

Mr. TILSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. TILSON. The gentleman from Minnesota added an additional point of order to the one decided by the Chair, which may be of great importance in the procedure of the Committee of the Whole, and it seems to me that the Chair should rule upon it. My parliamentary inquiry is this: A section of the bill having been amended by agreeing to an amended substitute, a Member then wishes to propose a new section that is germane to the bill. Would the gentleman be precluded from offering his amendment at this place if he offered it as a new section?

The CHAIRMAN. The Chair will state to the gentleman from Connecticut that he did not understand the gentleman from Minnesota [Mr. ANDERSON] raised a new point of order, but in discussing the point of order raised by the gentleman from Kentucky, he gave that as an additional reason why the matter was not now in order.

Mr. TILSON. If the Chair will bear with me, I think the gentleman stated it as an additional point of order, and before the matter is passed I hoped for a ruling from the Chair on that question.

The CHAIRMAN. If the gentleman from Minnesota intended to raise an additional point of order, of course, the Chair would now state, without setting forth fully the reasons therefor, that that point of order would also lie against the amendment of the gentleman from Illinois [Mr. MADDEN] and would have been sustained. But the Chair sustained the point of order raised by the gentleman from Kentucky.

Mr. WEBSTER. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WEBSTER. To offer an amendment at the close of the Anderson amendment, by way of adding a new section to the amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the close of the Anderson amendment add a new section, as follows:

"It shall be unlawful for two or more persons, being officers, directors, managers, agents, attorneys, or employees of any carrier, as defined in this title, for the purpose of maintaining, adjusting, or settling any dispute, demand, or controversy which under the provisions of this title can be submitted for decision to the boards provided for in this title, to enter into any combination or agreement with the intent substantially to hinder, restrain, or prevent the operation of trains or other facilities of transportation for the movement of commodities or persons in interstate commerce, or in pursuance of any such combination or agreement and with like purpose, substantially to hinder, restrain, or prevent the operation of trains or other facilities of transportation for the movement of commodities or persons in interstate commerce, or knowingly and with like intent to aid, abet, counsel, command, induce, or procure the commission or performance of any such act or acts; and in any judicial proceeding wherein the character, quality, or effect of any such act or acts is in issue such act or acts

shall, so far as the same may be pertinent and material to such issue, be conclusively presumed to be injurious to the public interest and detrimental to the general welfare: *Provided*, That nothing herein shall be taken to deny to any individual the right to quit his employment for any reason."

Mr. ANDERSON. Mr. Chairman, I make the point of order the amendment offered by the gentleman from Washington is not in order. It is not germane to anything which is before the House at the moment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BLANTON. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. In the Committee of the Whole House on the state of the Union no part of legislation can be considered as finally adopted by the committee until it has been read by the committee paragraph by paragraph, giving the membership a chance to offer amendments to the various paragraphs in the legislation. I make the point of order, Mr. Chairman, that what is known as the "Anderson substitute" is a piece of legislation composed of 52 separate and distinct paragraphs; that at no time during the consideration of this legislation in the committee have these paragraphs been read separately for amendment, and at no time has the membership of this House been given an opportunity to offer amendments to any one of the 52 paragraphs of what is known as the "Anderson substitute" as they have been read. And I submit it is against the rules of the House controlling the action of the Committee of the Whole House on the state of the Union.

Mr. LONGWORTH. Mr. Chairman—

The CHAIRMAN. The Chair will state to the gentleman from Texas as to the point of order that he has made, that if there was any merit to it at all it is too late now to raise it. Furthermore, that by unanimous consent the amendment offered by the gentleman from Minnesota was offered and ordered printed and considered as read. Further, that if the amendment had been read it would not have been considered by paragraphs, but as a single amendment, as the bill is being read by sections.

Mr. BLANTON. Let me call the Chair's attention to one fact that I am sure has escaped his attention, and that is the fact that when unanimous consent was agreed upon last night—I do not know as to other Members of the House—but for myself when it was asked that this be printed in bill form and each line numbered, I understood at the time—I may have been very dense in so understanding it—that that procedure was for the purpose of giving the membership of the House, should either one of these substitutes be adopted, the same opportunity of having them read under the five-minute rule, section by section, and to offer such amendments as they saw fit, and to offer the amendments to any particular line as numbered and read.

No such opportunity has been given to the membership of the House. In other words, this piece of legislation, containing 52 paragraphs, some of very important significance to the interests of the people of this country, has been crammed down the throats of Congress and crammed down the throats of the people of the United States.

The CHAIRMAN. The Chair, without accusing the gentleman from Texas of being dense, must overrule the point of order.

Mr. BANKHEAD. Mr. Chairman, I want to submit a unanimous-consent request.

The CHAIRMAN. For what purpose does the gentleman from Alabama rise?

Mr. BANKHEAD. In view of the fact that a great many of the Members who desired to discuss this question were deprived, by the shortness of time, of that privilege, I ask unanimous consent that any Members of the House who desire to do so may have three legislative days in which to extend their remarks in the Record.

Mr. LONGWORTH. Mr. Chairman, that would not be in order in Committee on the Whole.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

Mr. JOHNSON of Mississippi. I object.

Mr. LUCE rose.

The CHAIRMAN. For what purpose does the gentleman from Massachusetts rise?

Mr. LUCE. By reason of the parliamentary situation, Mr. Chairman, I am unable to carry out my promise to describe the Canadian system of dealing with railroad disputes, and I therefore ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LUCE. The adoption of the Anderson amendment would make it idle for me to take advantage of the permission to extend my remarks were it not for the fact that before this meas-

ure becomes law it may be considered by a conference committee which may have the task of reconciling a proposal for compulsory arbitration with one for voluntary conciliation. In that contingency it may not prove useless to set forth the middle ground occupied by the Canadian plan for the compulsory investigation of industrial disputes. This method of adjusting labor troubles appears to have been first conceived a half a century ago by Charles Francis Adams when he was a member of the first board of railroad commissioners in Massachusetts and set the standard for all such boards as have since been created. The idea reappeared a generation later in the brain of W. Mackenzie King, and gave him the start in public life that has brought him to be to-day the leader of the liberal party in Canada.

This idea is the application to industrial warfare of precisely the proposal that to some of us seems the most valuable element in the league of nations, the proposal that men shall talk before they fight. The gist of the Canadian plan is that men shall not strike until they have talked over their grievances with their employers. When trouble threatens the men ask for an investigation. They name a man, the employer names a man, and the two thus named agree on a third, to investigate. If no agreement on the third man is reached, he is named by the minister of labor. An invaluable detail is that the investigation goes on behind closed doors, with no reporters or audience present, and without counsel, unless their use is agreed to by both parties and by the investigators.

It is unlawful for the men to strike before a finding has been made, but then they can strike all they please. As a matter of fact they very rarely wish then to strike, for either they have adjusted the matters at issue or else they feel public opinion will not support them in going against the recommendations of the investigators. There is no decision, nothing but recommendation, and that turns out to accomplish far more than would the decisions of a compulsory arbitration. Upon this it is important to dwell, for the impression prevails hereabouts that the Canadian law has not been a success—an impression, I fear, given by those not in sympathy with its purposes. What are the facts?

From March, 1907, when the law went into effect, to March, 1919, 374 disputes were referred, and in only 24 of these were strikes not averted or ended.

It has also been averred that the law is less successful now than at first. Again what are the facts?

In the year from March, 1918, to March, 1919, there were 90 disputes referred, and in the case of only 2 of them were strikes not averted.

The law has from the first covered public-service corporations of all kinds and also those engaged in coal mining; of late, war industries have been included. In the matter of railroads taken by themselves, in the dozen years in question, 126 disputes were referred, and in 7 cases strikes were not averted. In the year from March, 1918, to March, 1919, 11 railroad disputes were referred and not a strike followed.

It would have been vain to expect that this plan would prevent all strikes. It is no more likely to end industrial warfare than the league of nations is to end warfare between nations. But in each case a greater resort to discussion before battle promises gain.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE IV.—AMENDMENTS TO COMMERCE ACT.

Sec. 400. The first five paragraphs of section 1 of the commerce act, as such paragraphs appear in section 7 of the commerce court act, are hereby amended to read as follows:

"(1) That the provisions of this act shall apply to common carriers engaged in—

"(a) The transportation of passengers or property wholly by railroad, or partly by railroad and partly by water when both are used under a common control, management, or arrangement for a continuous carriage or shipment; or

"(b) The transportation of oil or other commodity, except water and except natural or artificial gas, by pipe line, or partly by pipe line and partly by railroad or by water; or

"(c) The transmission of intelligence by wire or wireless:—from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, or from one place in a Territory to another place in the same Territory, or from any place in the United States through a foreign country to any other place in the United States, or from or to any place in the United States to or from a foreign country.

"(2) The provisions of this act shall also apply to such transportation of passengers and property and transmission of intelligence in so far as such transportation or transmission takes place within the United States, but shall not apply—

"(a) To the transportation of passengers or property, or to the receiving, delivering, storage, or handling of property, wholly within one State and not shipped to or from a foreign country from or to any place in the United States as aforesaid; nor

"(b) To the transmission of intelligence by wire or wireless wholly within one State and not transmitted to or from a foreign country from or to any place in the United States as aforesaid.

"(3) The term 'common carrier' as used in this act shall include all pipe-line companies; telegraph, telephone, and cable companies operating by wire or wireless; express companies; sleeping-car companies;

and all persons, natural or artificial, engaged in such transportation or transmission as aforesaid as common carriers for hire. Wherever the word "carrier" is used in this act it shall be held to mean "common carrier." The term "railroad" as used in this act shall include all bridges, car floats, lighters, and ferries used by or operated in connection with any railroad, and also all the road in use by any common carrier operating a railroad, whether owned or operated under a contract, agreement, or lease, and also all switches, spurs, tracks, terminals, and terminal facilities of every kind used or necessary in the transportation of the persons or property designated herein, including all freight depots, yards, and grounds used are necessary in the transportation or delivery of any such property. The term "transportation" as used in this act shall include locomotives, cars, and other vehicles, vessels, and all instrumentalities and facilities of shipment or carriage, irrespective of ownership or of any contract, express or implied, for the use thereof, and all services in connection with the receipt, delivery, elevation, and transfer in transit, ventilation, refrigeration or icing, storage, and handling of property transported. The term "transmission" as used in this act shall include the transmission of intelligence through the application of electrical energy or other use of electricity, whether by means of wire, cable, radio apparatus, or other wire or wireless conductors or appliances, and all instrumentalities and facilities for and services in connection with the receipt, forwarding, and delivery of messages, communications, or other intelligence so transmitted, hereinafter also collectively called messages.

"(4) It shall be the duty of every common carrier subject to this act engaged in the transportation of passengers or property to provide and furnish such transportation upon reasonable request therefor, and to establish through routes and just and reasonable rates, fares, and charges applicable thereto, and to provide reasonable facilities for operating through routes and to make reasonable rules and regulations with respect to the operation of through routes, and providing for reasonable compensation to those entitled thereto; and in case of joint rates, fares, or charges, to establish just and reasonable divisions thereof as between the carriers subject to this act participating therein which shall not unduly prefer or prejudice any of such participating carriers.

"(5) All charges made for any service rendered or to be rendered in the transportation of passengers or property or in the transmission of intelligence by wire or wireless as aforesaid, or in connection therewith, shall be just and reasonable, and every unjust and unreasonable charge for such service or any part thereof is prohibited and declared to be unlawful: *Provided*, That messages by wire or wireless subject to the provisions of this act may be classified into day, night, repeated, un-repeated, letter, commercial, press, Government, and such other classes as are just and reasonable, and different rates may be charged for the different classes of messages: *And provided further*, That nothing in this act shall be construed to prevent telephone, telegraph, and cable companies from entering into contracts with common carriers for the exchange of services.

"(6) It is hereby made the duty of all common carriers subject to the provisions of this act to establish, observe, and enforce just and reasonable classifications of property for transportation, with reference to which rates, tariffs, regulations, or practices are or may be made or prescribed, and just and reasonable regulations and practices affecting classifications, rates, or tariffs, the issuance, form, and substance of tickets, receipts, and bills of lading, the manner and method of presenting, marking, packing, and delivering property for transportation, the facilities for transportation, the carrying of personal, sample, and excess baggage, and all other matters relating to or connected with the receiving, handling, transporting, storing, and delivery of property subject to the provisions of this act which may be necessary or proper to secure the safe and prompt receipt, handling, transportation, and delivery of property subject to the provisions of this act upon just and reasonable terms, and every unjust and unreasonable classification, regulation, and practice is prohibited and declared to be unlawful.

"(7) No common carrier subject to the provisions of this act shall, after January 1, 1920, directly or indirectly, issue or give any interstate free ticket, free pass, or free transportation for passengers, except to its officers, agents, and employees, and their families; to its surgeons, physicians, and attorneys at law, who devote the principal part of their time to its service; to ministers of religion, traveling secretaries of railroad Young Men's Christian Associations, inmates of hospitals and charitable and eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute, and homeless persons, and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the National Homes or State Homes for Disabled Volunteer Soldiers, and Soldiers' and Sailors' Homes, including those about to enter and those returning home after discharge; to necessary caretakers of live stock, poultry, fish, milk, and fruit transported by it; to employees on sleeping cars or express cars moving over its line; to Railway Mail Service employees, post-office inspectors, customs inspectors, and immigration inspectors traveling in the discharge of their duties; to newsboys on its trains; to baggage-transfer agents on duty; to witnesses attending any legal investigation in which it is interested; or to persons injured in wrecks, and physicians, surgeons, and nurses attending such persons, or to the remains of persons killed in wrecks; nor after such date shall any such carrier directly or indirectly give or issue any free frank or free transmission of intelligence, except to its officers, agents, and employees, and their families; or to its surgeons, physicians, and attorneys at law, who devote the principal part of their time to its service: *Provided further*, That this provision shall not be construed to prohibit the interchange of passes or franks for the officers, agents, and employees of common carriers, and their families; nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of wreck, general epidemic, pestilence, or other calamitous visitation: *And provided further*, That the term "employees" as used in this paragraph shall include furloughed, pensioned, and superannuated employees, persons who have become disabled or infirm in the service of any such common carrier, and the remains of a person killed in the employment of a carrier, and ex-employees traveling for the purpose of entering the service of any such common carrier; and the term "families" as used in this paragraph shall include the families of those persons named in this proviso, also the families of persons killed, and the widows during widowhood, and minor children during minority of persons who died while in the service of any such common carrier. Any common carrier violating the provisions of this paragraph shall be deemed guilty of a misdemeanor, and for each offense, on conviction, shall pay to the United States a penalty of not less than \$100 nor more than \$2,000; and any person, other than the persons excepted in this paragraph, who uses any such interstate free ticket, free pass, or free transportation shall be subject to a like

penalty. Jurisdiction of offenses under this paragraph shall be the same as that provided for offenses in an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, and any amendment thereof."

During the reading of the foregoing section the following colloquy occurred:

Mr. RAKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. Is it understood that we have to read the whole section before an amendment can be offered to a paragraph?

The CHAIRMAN. That is understood by most members of the committee, and the gentleman from California is now so informed.

The Clerk resumed and completed the reading of the section.

Mr. ESCH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin.

Mr. ESCH. We have several typographical amendments to offer.

The Clerk read as follows:

Committee amendment: Page 44, line 11, after the word "and," insert "of."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ESCH. Mr. Chairman, I have another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Committee amendment: Page 44, line 24, after the word "frank," insert "for."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ESCH. Mr. Chairman, another amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Committee amendment: Page 45, line 3, after the word "Provided" strike out "further."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MADDEN. Mr. Chairman, I offer an amendment.

Mr. ESCH. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. ESCH] has the floor. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Committee amendment: Page 46, line 2, after the comma following the word "pass," insert "free frank" and a comma.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MADDEN. Mr. Chairman, I offer an amendment, on page 44, line 1, after the word "employees," strike out the words "and their families."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Page 44, line 1, after the word "employees," strike out the words "and their families."

Mr. MADDEN. Mr. Chairman, I simply desire to call attention to the fact that while free transportation is to be issued by carriers, while it may be necessary to issue free transportation to the officers, agents, and employees, there is not a reason why it should be issued to the families of those people. I understand that families of public functionaries, while the railroads have been under the control of the Government, have been traveling in private cars all over the United States at the expense of the Government, and now ought to be a good time to stop the extravagant waste of money by preventing the carriage of those who have no claim whatever to free transportation over the railroads.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MADDEN].

Mr. ESCH. Mr. Chairman, those words were in the statute and have been in the statute for many years. It was not thought desirable by the committee to change the language of the original act, and so we left them in so that the families of employees could enjoy the privileges they have been enjoying in regard to free transportation.

It may be largely a sentimental reason that persuaded the committee to retain those words, because of the fact that the employees on railroads, after continuous work 10½ or 11 months, get time off and take their families to some place for some little rest or recreation. We believed that that was bene-

ficial to the employees, and in the end inured to the advantage of the carrier in making the employee a more contented and more satisfied employee. We did not change the law.

Mr. BLAND of Missouri. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Missouri?

Mr. ESCH. Yes.

Mr. BLAND of Missouri. Is it not a fact also that in changing their places or in the occupation in which these employees are engaged it may be necessary to move their families?

Mr. ESCH. Very often; and that has been especially true in recent years where division points have been changed. As the result of the 16 and 8 hour laws they have had to shorten divisions, and that necessitated the moving of families from one place to a new division point.

Mr. GOLDFOGLE. Mr. Chairman, will the gentleman yield?

Mr. ESCH. Yes; I yield.

Mr. GOLDFOGLE. The provision that authorizes the granting of free passes to attorneys would grant free passes to attorneys though they were Members of Congress. Is not that so?

Mr. ESCH. Yes.

Mr. GOLDFOGLE. So, also, with the provision with regard to granting free passes to employees.

Mr. ESCH. Yes.

Mr. GOLDFOGLE. While I agree with the gentleman from Wisconsin in so far as employees generally are concerned, yet does not the gentleman from Wisconsin think that in view of past legislation concerning the prohibition against the acceptance of free passes by Members of Congress there ought to be a provision here which would exclude the right to issue passes to Members of Congress?

Mr. LINTHICUM. Will the gentleman yield right there?

Mr. GOLDFOGLE. I should like to get an answer from the gentleman from Wisconsin.

Mr. ESCH. The inquiry of the gentleman from New York is as to the propriety of including in this section a prohibition against the issuance of passes to Members of Congress. Is that right?

Mr. GOLDFOGLE. Yes. They are prohibited now, but, by virtue of the provision that you have in the bill, you will allow free passes to be issued to Members of Congress if they be attorneys for railroads.

Mr. LINTHICUM. Will the gentleman yield for a question right there?

Mr. ESCH. No; I want to know if that interpretation is correct?

Mr. LAYTON. Will the gentleman yield for a question?

Mr. ESCH. Yes.

Mr. LAYTON. If an attorney who is a Member of this body is entitled to a railroad pass, how can he serve his country, in view of the words—

Who devote the principal part of their time to its service?

If an attorney who is a Member of this body is going to devote the principal part of his time to the service of the railroads, what kind of service is he rendering to the country as a Member of this body?

Mr. HUMPHREYS. That is for his constituents to determine.

Mr. GOLDFOGLE. I should like to get an answer to my inquiry. I want to know if the gentleman from Wisconsin does not think that in view of the legislation now on the statute books prohibiting the granting of free passes to Members of Congress there ought to be a provision in the bill such as there is now which justifies the granting of a free pass to a Member of Congress if he be the attorney for a railroad.

Mr. ESCH. He ought not to get a pass; and if this bill does not meet that situation I will invite an amendment by the gentleman from New York.

Mr. GOLDFOGLE. If the gentleman does not offer such an amendment, I will.

Mr. ESCH. Now is the time.

Mr. LINTHICUM. Will the gentleman yield?

Mr. ESCH. Yes; I yield to the gentleman from Maryland.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. LINTHICUM. I ask that it be extended for one minute, in order that I may ask the gentleman a question.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the time of the gentleman from Wisconsin be extended one minute. Is there objection?

There was no objection.

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Maryland?

Mr. ESCH. Yes.

Mr. LINTHICUM. In view of the fact that Congress is nearly always in session and Members here devote their time to their country's service, I wish to ask the gentleman from Wisconsin whether the words "who devote the principal part of their time to its service" would not cover the situation which the gentleman from New York [Mr. GOLDFOGLE] suggests?

Mr. ESCH. I rather think they would, because if a man is faithful to his duties as a Member of Congress they take the principal part of his time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAYTON. I ask that the gentleman's time be extended one minute, in order that I may ask him a question.

The CHAIRMAN. The gentleman from Delaware asks unanimous consent that the time of the gentleman from Wisconsin be extended one minute. Is there objection?

There was no objection.

Mr. LAYTON. I should like to inquire what is the meaning of the words "who devote the principal part of their time to its service"? I have been a railroad physician in the course of time. Probably I would have a case once in three months. Was that devoting the principal part of my time to its service and would that entitle me to a pass?

Mr. ESCH. It would not entitle you to a pass under this provision.

Mr. LAYTON. And if an attorney was occasionally called on to render service for a railroad company, that would not be construed as entitling him to a pass, but in order to be so entitled he must devote the principal part of his time to the service of the railway company?

Mr. ESCH. That is correct.

Mr. LAYTON. I just wanted to elucidate it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MADDEN].

The question being taken; on a division (demanded by Mr. MADDEN) there were—ayes 8, noes 58.

Accordingly the amendment was rejected.

Mr. GOLDFOGLE. I move to amend by inserting, on page 45, between the word "carrier" and the word "any," the following:

Provided also, That no free pass or free transportation shall be given to or asked by any Member of Congress or any other officer now prohibited from the acceptance of free transportation.

The CHAIRMAN. The Chair will have to ask the gentleman to reduce his amendment to writing. It is too long for the Clerk to attempt to write it down.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the Record.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to revise and extend his remarks in the Record. Is there objection?

Mr. LANKFORD. I object.

Mr. REED of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. REED of New York: Page 39, line 14, after the word "except," where it occurs the second time, strike out the words "natural or."

Mr. REED of New York. Mr. Chairman, I want to call the attention of every man in the room to this amendment to subdivision (b), which is subdivision (b) of paragraph 1 of section 490 on page 39.

While this seems rather a simple amendment, there is not a man in this room who is not concerned in it.

A short time ago every person here was deeply stirred by the threatened coal strike, and all the power of this Government was brought to bear to see that people did not suffer for want of fuel. Now, in order that you may understand why I am asking to have the natural-gas companies included under the jurisdiction of the Interstate Commerce Commission, I am going to localize my argument, and then I will generalize it in the few moments I have at my disposal.

In western New York we get our supply of gas in the cities of Jamestown, Olean, and Buffalo, and other cities in that district from the Pennsylvania gas fields. This gas is transported from the Pennsylvania gas field across the line directly to these towns under franchises granted by these towns to the Pennsylvania company. In the State of New York the public-service commission has jurisdiction to govern intrastate rates. Some time ago the Pennsylvania company sought to raise the rates in Jamestown, N. Y. The Pennsylvania Gas Co. was asked to answer the complaint filed by the consumers of Jamestown. Instead of bringing the matter in on the merits of the case, the Pennsylvania Gas Co. demurred, and the demurrer was overruled. They then sued out a writ of prohibition, raising the

question before the courts of New York State that this being in interstate commerce the courts had no jurisdiction. Although the court of appeals held that they could regulate the rates of this company, the company, nevertheless, appealed the case to the United States Supreme Court.

Now, it did not stop there. The highest court in the State held that the public-service commission had jurisdiction in the premises. Instead of complying with the decision of the court, the Pennsylvania Gas Co. served notice on the people of Jamestown that they would refuse in January, 1920, to deliver any more gas. Our courts and the public-service commission are absolutely impotent to act in the matter.

There is another situation. There are some companies in Pennsylvania that carry gas up to the State line, and then another corporation, a separate legal entity, takes the gas to the consumer. Our State commission has jurisdiction of the gas company operating in New York State. The commission, we will say, orders a lower rate, and then the company in Pennsylvania says to the New York company, "We will not sell to you at the price fixed." Then the public-service commission is absolutely powerless to reach the Pennsylvania company.

Another point is that the Pennsylvania Gas Co. disclaims it is discontinuing the gas to Jamestown people in January, 1920, because of the decision of the court or because of the refusal of the people of Jamestown to pay the company's rates, but nevertheless the Pennsylvania Gas Co. refuses to be subject to the jurisdiction of the State court and tries to hide behind the statement that its supply of gas is insufficient to furnish the consumers of Jamestown. I have some astounding figures to show the amount of gas that has been wasted in the various States. This situation not only concerns Jamestown, but Buffalo and other cities and every community in this country similarly situated. It is true that gas is being exhausted because Congress never has seen fit to subject the gas companies to the regulation of the Interstate Commerce Commission, and the gas companies could waste gas as they saw fit. I have examined a report of the Bureau of Mines, and in one of its reports it shows that in Oklahoma alone gas is wasted to an extent that is equivalent to 10,000 tons of coal a day.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROWE. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. REED of New York. I want to give you a few figures to show whether or not Congress should put these companies under the direction of the Interstate Commerce Commission.

In West Virginia, where over 1,000 oil wells were tested, it was shown that the waste of natural gas for each well was at the rate of 12,000 cubic feet a day, or 4,380,000 cubic feet of natural gas per well per annum. There are at least 16,000 oil wells in West Virginia, and at this rate the annual waste from this source would be at least 70,000,000,000 cubic feet of natural gas, equivalent to about one-third of all the natural gas used for domestic consumption in the United States.

In Kentucky one well poured forth a stream of natural gas, with no attempt made to stop or utilize it, the amount of which it has been figured at current prices was worth more than \$3,000,000.

In Louisiana they found that the waste approximated 75,000,000 cubic feet for 24 hours. This is equal to 20 times what the city of Shreveport uses now in the same space of time. In the Caddo fields at least 400,000,000 cubic feet of gas has at certain times been wasted daily, practically all of the waste being preventable.

In Oklahoma at least 10,000 tons of coal in its equivalent of natural gas is wasted daily. This is a waste equal to the waste of 2,920,000 tons of coal a year. Twenty-five million dollars of preventable waste of this great natural resource in one State per year.

In California one gas well wasted 55,000,000 cubic feet per day; at least 5,000,000,000 cubic feet of gas, valued at 25 cents per thousand cubic feet, or \$1,250,000 of loss from this one well alone in three months.

And yet these companies say they have no gas to supply to communities that refuse to pay an unreasonable price. When we had the strike of miners throughout the country we brought all the power of the country to stop the strike. What happened at Jamestown? That company, knowing there are 435 homes built for the express purpose of using natural gas, requiring a different kind of a flue and chimney, with no equipment for the use of any other kind of fuel, in the face of the decision of the courts of New York State, have absolutely struck and said you will pay our price, you will come to our terms, in spite of the court's decision, or you will not get one bit of gas.

The Supreme Court of the United States has held that gas is a subject of interstate commerce, and in this law natural gas has been expressly excepted from the provisions of this act. I want that included, and by striking out these two words you will give the Interstate Commerce Commission jurisdiction. It will give the Interstate Commerce Commission the power to regulate waste and to inquire into the ability of these companies to furnish gas in all cases where they are engaged in interstate commerce under the provisions of the act. Gentlemen, I have here a report of a public-service commissioner of the State of New York. I would like to embody in the Record this report of the commissioner. When we were at war the Fuel Administration wrote to the Public Service Commission of the State of New York, asking them how they could meet the situation, and a public-service commissioner recommended giving the Interstate Commerce Commission jurisdiction.

Here is another situation: Those companies in Pennsylvania that carry their gas to the State line, which are separate legal entities from the corporations in New York State, can defy the public-service commission, go back into Pennsylvania, and when the New York State people agree to pay the price that the company imposes upon them, they tell the people of Pennsylvania that they are going to raise the rates. Then the Pennsylvania people immediately say that they will not pay them, but they will take the matter before their public-service commission. The gas company replies that it is engaged in interstate commerce; that the people of New York are willing to pay the price, and if the Pennsylvania people are not they will sell their product in New York, and the public-service commission is powerless to act. The people in Oklahoma, in that celebrated case of West against Kansas Natural Gas Co., tried to stop natural gas from going out of Oklahoma, to conserve it, but the Supreme Court of the United States held that the gas company was engaged in interstate commerce; that they could carry their gas out of the State. After getting that decision they secured, or somebody secured, an exception, so that they are the only public-service utility in the United States of America, so far as I know, except those that are specifically excepted in this bill, that are not regulated, and the people are entitled to a tribunal in which to settle their differences and be heard on the merits. [Applause.]

Mr. GREEN of Iowa. Mr. Chairman, I rise in opposition to the amendment. I sympathize very much with the people of the gentleman's district in this situation which he has described. There is no doubt that an outrage is being perpetrated upon the residents of his district and the people of the adjoining community; but I have no hope of the problem being solved by the method suggested by leaving these companies out of the list which is governed by this act. The question which the gentleman presents is a question not merely of transportation. If it was, it could be controlled by the provisions of this act. This act deals only with transportation. The acts of which he complains involve much more. They combine transportation and the sale of the gas itself. I take it that it is not intended by this bill to, nor could we by this bill without changing it root and branch, regulate the sale of a commodity like gas. The parties referred to by the gentleman own the gas. They fix the price for transporting and delivering it, thus combining transportation and sale. They would say, perhaps, that the main thing for which they make the charge is the gas itself; but whether that be so or not it is a combined question of transportation and the sale of the product itself, so that if we adopt this amendment, to which I do not seriously object, except that I do not believe it will accomplish anything, we will not have reached the main source of the difficulty, because we have not control of the price of the commodity which is being sold and delivered to the gentleman's constituents. What we need, and what we ought to have, is some kind of a statute which takes hold of this subject in a comprehensive way, regulating the sale of natural gas, although I think it would be an extremely difficult problem to enact legislation providing that one who owns gas in one State must sell it to somebody else in another State. I fear there would be many difficulties in the way.

Mr. REED of New York. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Certainly.

Mr. REED of New York. Taking these two words out and putting natural gas under the jurisdiction of the Interstate Commerce Commission is a condition precedent to any legislation that will remedy the situation, and I will agree to put some teeth into this proposition before we get through with this bill if this amendment is adopted.

Mr. GREEN of Iowa. I will say to the gentleman that I do not seriously object to the amendment, but I can not see that it would accomplish the purpose which he desires. Possibly it

would do no harm, but I feel sure that what the gentleman seeks to accomplish can only be reached by a separate bill.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. ROSE. Mr. Chairman, I move to strike out the last word. I am very much pleased that the gentleman from New York [Mr. REED] has taken occasion to bring to your notice the conditions prevailing in the district represented by him concerning the supply, cost, and distribution of natural gas. In this connection, it is well to say that he has practically described a situation applicable to the city of Johnstown, wherein I reside. A number of years ago a corporation petitioned the council of the city for a franchise or right to lay pipe lines to furnish natural gas to the citizens. A prolonged contest followed, for the reason that free and perpetual franchises were being opposed in many municipalities with varying results. One of the conditions agreed to, and likely the dominating cause which brought about the granting of the franchise, was that the price for the gas should never exceed 35 cents per 1,000 feet. The price gradually jumped to 35 cents and was maintained for years. Within the last two years the company undertook to further increase the price, but it was confronted with the terms of the ordinance providing for the franchise. To get away from this the company added to the price of the gas a "ready to serve" charge which would increase the annual income about \$50,000. This increase was resisted by the authorities and complaint lodged with the public-service commission, and I understand no decision has yet been made by the commission.

Some months ago the company served notice upon the mayor of the city that the supply of gas would be discontinued at a time fixed in the notice. What the result will be I am not advised, but I feel assured that the rights of the people will be preserved if a determined opposition to the attitude of the gas company can be of any avail. It seems decidedly strange that a shortage of gas is discovered every time the people refuse to abide by the increases sought to be made by the companies supplying the gas, and which increases the people refuse to pay, as appears to be well established in the cities of Jamestown, N. Y., and Johnstown, Pa. The gentleman from New York [Mr. REED] charges that enormous losses in the supply of gas is the result of wastefulness or carelessness, and mentions instances where millions of dollars have been lost beyond recall. I shall not attempt to give any reasons, as I have made no investigation. It is clear, however, that something should be done to protect the rights of the people, and whether or not the amendment offered by the gentleman from New York [Mr. REED] will effect the purpose remains to be seen. But since it is a step in that direction it meets with my hearty approval. At least the question has been raised, and I hope it will lead to legislation which will safeguard the rights of the people who have built their homes with a view of having them heated by natural gas, and who are entitled to the use thereof so long as there is an available supply.

Mr. DEMPSEY. Mr. Chairman, I hope that the amendment of the gentleman from New York will be adopted. As I understand it, natural gas was stricken out of the bill simply because the committee deemed it was not on a par with ordinary railroad transportation and was not the subject of interstate commerce. The gentleman from New York [Mr. REED], however, calls attention to a Supreme Court decision holding that it is interstate commerce, and there can be no reason for not including it under the jurisdiction of the commission. It is not a question simply whether we are sure that we can remedy conditions by keeping this in the bill. We do think that it will bring the attention of the Interstate Commerce Commission to a bad state of facts. We do think that it will lead to an investigation and to a remedy, and we hope that it will provide a remedy. I am heartily in favor of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. BLANTON. Mr. Chairman, I move to strike out the section.

The CHAIRMAN. There are other amendments pending to perfect the text.

Mr. GOLDFOGLE. Mr. Chairman, the Chair asked me to reduce an amendment which I offered to writing. I have done so and have sent it to the Clerk's desk and now offer it.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GOLDFOGLE: Page 44, line 3, after the word "service," insert "Provided, however, That no such free pass or free transportation shall be given or asked or received or used by any such

person if he be a Member of Congress or an officer of the United States who under the existing laws is now prohibited from accepting or using free passes or free transportation.

Mr. GOLDFOGLE. Mr. Chairman, I understood the gentleman from Wisconsin to say he would accept such an amendment. Am I right?

Mr. ESCH. I stated that if the existing law did not meet the situation presented I would welcome an amendment by the gentleman from New York.

Mr. GOLDFOGLE. Mr. Chairman, the amendment is offered for the purpose of keeping in force the provision in the present law of this country prohibiting the granting of free passes and free transportation to Members of Congress and certain other officers of the Government. Whatever opinion I might have as to the merits or demerits of such legislation in the past, it seems to me that so long as that law remains upon the statute books, so long as Members of Congress are prohibited from accepting free transportation and free passes from any of these common carriers, they ought not to be permitted through any form of legislation now about to be passed to receive such free passes or free transportation merely because they happen to be attorneys for a railroad or attorneys for or employees of some other common carrier. In the past there have been abuses of the statute which prohibited the granting of free passes and free transportation to Members of Congress, because under existing law some of them in the past—I do not know whether that applies to present Members of Congress or not—some of them in the past, because they were attorneys for railroads or held positions in railroad companies, were enabled to accept free passes, and against such abuse my amendment is directed.

Mr. BLANTON. Mr. Chairman, I ask to be recognized.

The CHAIRMAN. The gentleman from Texas.

Mr. BLANTON. Mr. Chairman, I am in favor of the amendment, but do not desire to discuss it. I would like to call the attention of the committee to a letter concerning this Esch bill which has come through the mails to-day to Members of Congress. It will be remembered that the Committee on Interstate and Foreign Commerce, through its chairman and through almost every member, have denominated what is known as the Plumb plan for the settlement of railroads as socialistic and bolshevistic, and that therefore this Plumb plan for railroad operation was not worthy to be considered seriously by them. I understood that that was almost the unanimous opinion of this House, and yet through the mails to-day, as was referred to by a member of the committee a while ago, a letter has been sent to the Members of Congress, on printed stationery headed "The Plumb Plan League, to secure public ownership and democracy in the operation of railways of the United States," and on that letterhead is the executive committee of the Plumb Plan League named, and as a member of that executive committee and as the manager thereof, if you please, is the name of Edward Keating. In the document that he incloses to Members of Congress for their consideration in determining the Esch bill, after criticizing and denouncing that measure from the first word of it to the last, I call your attention to the following savage denunciation of Chairman Esch and the other Members of Congress composing his committee framing this bill.

Mr. HUDSPETH. Who is Edward Keating?

Mr. BLANTON. I will tell my colleague shortly who he is. But, first, let me quote from this document, as follows:

The Cummins bill brutally announces what is in its author's mind—

Mr. GOLDFOGLE. Mr. Chairman, I raise the point of order. While I am very glad the gentleman is in favor of the amendment, he is not speaking to the amendment, and therefore I raise the point of order.

Mr. BLANTON. Oh, yes, I am; because intimately connected with the subject of a Member of Congress as an attorney for railroads being prohibited from riding on railroad passes, is this disgraceful exhibition of a late Member of Congress, who on March 4 last walked out of this House in a new position on a salary of \$7,500 a year, which he is now drawing from the Government, as the said Edward Keating is doing as a member of the Government Commission on Reclassification of Salaries, and at the same time acting as manager for a combination clearly antagonistic to the best interests of this Government, such as the pernicious Plumb plan is, specially designed to disrupt this Government and which is denominated by Members of Congress as socialistic and bolshevistic.

The CHAIRMAN. The gentleman will proceed in order.

Mr. BLANTON. I read the following excerpts from this document which this manager of the Plumb plan, Edward Keating, sends as propaganda to Members of Congress, to wit:

The Cummins bill brutally announces what is in its author's mind. They want to shackle labor, and frankly say so.

Now, note what he says about the framing of the Esch bill and every member of that Committee on Interstate and Foreign Commerce. He says:

The men who claimed the labor provisions of the Esch bill have the same object in view, but they seek to attain it through a maze of legal verbiage.

That is, that it brutally announces what is in their minds, and that they want to shackle labor, and frankly say so. And then it reads:

Apparently our statesmanship is as bankrupt as our railroads.

And that comes through the United States mails from an ex-Member of Congress who, until the 4th day of last March sat here in these seats as our colleague, and he now draws \$7,500 a year and is supposed to be working for this Government on the committee on reclassification of salaries.

I want to know how long a man can continue in that kind of dual position.

The CHAIRMAN. The time of the gentleman has expired. Debate is exhausted.

Mr. TAYLOR of Colorado. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Colorado rise?

Mr. TAYLOR of Colorado. I want to make a suggestion. I think the amendment is in the wrong place. It ought to be in line 3, page 45, after the word "service."

Mr. GOLDFOGLE. I had it originally that way, but changed it at the suggestion of another Member. However, I think the gentleman from Colorado is right.

Mr. TAYLOR of Colorado. I think where the gentleman has offered it, it spoils the grammatical construction of the bill.

Mr. GOLDFOGLE. Mr. Chairman, I ask unanimous consent to modify my amendment, then, so as to insert that proviso after the word "service" in line 3, page 45.

The CHAIRMAN. The gentleman from New York asks unanimous consent to modify his amendment as stated. Is there objection?

Mr. ESCH. I suggest he put it after the word "visitation" in line 9, page 45.

Mr. TAYLOR of Colorado. Line 9, page 45?

Mr. ESCH. Yes.

Mr. GOLDFOGLE. Will the gentleman accept the amendment then?

Mr. ESCH. I have no objection to the amendment.

The CHAIRMAN. The gentleman from New York asks unanimous consent to modify the amendment as suggested.

Mr. ESCH. And change the location of it in the paragraph.

Mr. GOLDFOGLE. I accept the suggestion of the chairman of the committee.

The CHAIRMAN. Without objection, the amendment will be inserted at the place indicated.

The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. EDMONDS. Mr. Chairman, I would like to ask the chairman of the committee a question. I move to strike out the last word.

On page 39, sections (a) and (b), is it the intention of the committee to include our foreign commerce under the Interstate Commerce Commission, or to make rates and supervise and regulate?

Mr. ESCH. That does not change existing law. It has been the law for years.

Mr. EDMONDS. That is true; but has the Interstate Commerce Commission operated in foreign commerce?

Mr. ESCH. No. Its jurisdiction would not extend beyond the 3-mile limit anyhow.

Mr. EDMONDS. How about oil?

Mr. SMALL. Mr. Chairman—

The CHAIRMAN. Does the gentleman yield to the gentleman from North Carolina?

Mr. SMALL. I supposed the gentleman had concluded.

Mr. ESCH. The gentleman will find the limitation as to transportation over which the committee has exercised jurisdiction on line 3, page 40, to the effect in so far as such transportation and transmission takes place within the United States. The words "within the United States" would not permit it to go beyond the 3-mile limit.

Mr. EDMONDS. That does not apply, then, as I understand it, to the transportation of passengers or property outside of the 3-mile limit?

Mr. ESCH. No.

Mr. EDMONDS. Or transmission of intelligence by wire outside of the 3-mile limit?

Mr. ESCH. No.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

Mr. SMALL. Mr. Chairman, I have an amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. SMALL offers the following amendment: On page 46, after line 7, insert the following as subsection (8):

Where there is an existing line of water transportation, or one is proposed to be immediately established, it shall be unlawful for any railroad which operates between points competitive to said water line to reduce its existing rates with a view to meeting the difference between water rates and the rail rates, unless after full hearing the commission shall find that such reduction of rail rates is justified in the public interest. In determining the question of public interest the commission shall consider the rates charged by the water line as presumptively reasonable and shall also consider the advisability or necessity of maintaining increased facilities of transportation: *And provided further*, That the commission shall not permit any railroad to reduce its existing rates as between points competitive with the water line or lines unless such railroad maintain such reduced rates as the maximum at all intermediate points on all lines between the points of origin and destination."

Mr. CANNON. Mr. Chairman, I reserve a point of order on the amendment.

Mr. SMALL. Mr. Chairman, the members of the committee will find that amendment printed in the RECORD of day before yesterday, on page 8361.

This amendment, Mr. Chairman, was drafted as a result of a conference between a number of gentlemen who are Members of the two bodies of Congress and gentlemen from various sections of the country, with the purpose of offering it as an amendment to this bill.

The purpose of the amendment is obvious. It is intended to prevent rail lines competitive with water lines from reducing their rates, except by the consent of the Interstate Commerce Commission, who shall find that it is in the public interest to do so. And when such rates competitive with water rates are reduced, the same rates shall apply on the entire line of such carrier railroad. It meets an evil which was very common in the past, an evil which is flagrant and unjustifiable and inexcusable. As I have stated before, and I submit it here, a railroad line ought not to be permitted to charge lower rates upon its lines competitive with water lines than it charges on its lines between interior points. And, in my humble judgment, if I had my way, I would have a readjustment of the rail rates throughout the country which have been lowered competitive with water lines. And until that is done we will never have a system of rates which shall be just and which shall bear equally upon all communities in all sections of the country. But this proposed amendment does not go so far as I would like to go, and it was the consensus of the opinion of the gentlemen who considered it that it was mild as it could possibly be made to relieve to any extent this existing evil.

Mr. SIMS. Will the gentleman yield?

Mr. SMALL. I yield to the gentleman from Tennessee.

Mr. SIMS. I wish to ask the gentleman this question. I know he is very competent and will be able to answer. I introduced a bill to amend the fourth section. The first provision of the fourth section says that "on application to the Interstate Commerce Commission such common carrier may in special cases," and then it goes on and tells what it will do. I may offer that amendment to cover special cases arising out of conditions not potential and acting directly or indirectly. Will the gentleman's amendment so provide that there will be no excuse whatever for charging a less rate for a longer than for a shorter haul or an intermediate point?

Mr. SMALL. The gentleman is referring to the long-and-short-haul clause. I do not mean to say that my amendment has no bearing or reference to it whatever, but it is to so large an extent independent, and stands so much alone, that it may be said that it is not amendatory of the long-and-short-haul clause.

Mr. SIMS. I was in hopes that if the gentleman's amendment were adopted it would not be necessary for me to offer this. If the gentleman's amendment were lost it would be imperative to offer mine.

Mr. SMALL. I am inclined to think it would be. This does not go as far as that.

Now, Mr. Chairman, in the Panama Canal act of 1912 there was inserted a provision which, it was supposed at the time, would in part meet this evil. The provision was that where a railroad line competitive with a water line once reduced its rate, it should not be permitted thereafter to increase that rate without the consent of the Interstate Commerce Commission. Since that act was passed in 1912 no railroad line in the United States has made application to the Interstate Commerce Commission for permission to increase its rate, and I think it is a fair assumption that no railroad line will ever make such an application. Why? Because the very purpose for which the rates competitive with water lines were originally reduced was to secure a monopoly of the transportation, to make water trans-

portation unprofitable, to drive out the water lines, and in devious ways to obtain a monopoly of the transportation as between the points competitive with water.

Mr. Chairman, this amendment is not retroactive. It does not apply to any low rates at the present time, but it takes effect in the future, and as water lines are established hereafter it would prevent the lowering of rates by rail competition with these water lines. I hope the chairman of the Committee on Interstate and Foreign Commerce will accept the amendment, but if he is reluctant to do so I hope the Committee of the Whole House will adopt it. It is fair and just in the interest of the public. [Applause.]

Mr. BLAND of Missouri. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. BLAND of Missouri. I wanted to ask if the amendment applies to inland waterways only, or would it apply also to rates between coast and coast?

Mr. SMALL. I think it would apply to coastwise transportation as well as inland.

Mr. BLAND of Missouri. I mean between the Atlantic and Pacific coasts?

Mr. SMALL. Yes.

Mr. BLAND of Missouri. It seems to me the gentleman should limit his amendment to inland waterways.

Mr. SMALL. Can the gentleman show any good reason?

Mr. BLAND of Missouri. The reason is that the railroads are competing with the ocean-going vessels between the Atlantic and Pacific coasts, and necessarily they are compelled to make that competition and can make the long haul without breaking bulk at cheaper rates than the haul to the intermediate points. But it would disorganize the whole fabric if it were to apply to rates between coast and coast.

Mr. SMALL. Mr. Chairman, if I can have the attention of the reading clerk, I want to modify my amendment and provide that this shall not apply to competition through the Panama Canal.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to modify his amendment. Is there objection?

Mr. JONES of Texas. I object.

The CHAIRMAN. Objection is made.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. SUMNERS of Texas. I am very much interested in the gentleman's proposition.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. SMALL. Mr. Chairman, may I have two minutes more?

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. OLIVER. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the gentleman from North Carolina may proceed for five minutes more. Is there objection?

There was no objection.

Mr. SUMNERS of Texas. I am very much interested in the gentleman's proposition, and very much concerned that it shall have general application. I have in mind the offering of an amendment to cover a matter that I will direct the gentleman's attention to, so that I may inquire if his amendment is intended to cover the same purpose. I have in mind to offer an amendment under the prohibitory subdivision of Title IV of the bill, in substance as follows:

Or any charge for transporting passengers or property from one point to a given destination at a greater charge than that for a like service from such point of origin to a point beyond such destination.

Does the gentleman's amendment as proposed embrace these inland destinations, so as to prevent discrimination and prevent potential or actual water competition from giving one section of the community an advantage in rail transportation over another section of the community?

Mr. SMALL. I think the gentleman's proposed amendment directly affects the long-and-short haul clause, and is along the line of the suggestion made by the gentleman from Tennessee [Mr. SIMS], which he said he proposed to offer at another time. But this amendment is intended simply to affect rail rates competitive with water lines; and, of course—

Mr. SIMS. Why do you want to exempt the Panama Canal?

Mr. SMALL. And, of course, in its large application it would affect the interior rivers of the country. The language of it is sufficiently extensive to embrace coastwise commerce, and I think it ought to apply to that.

Mr. SIMS. Why does the gentleman want to except transportation through the Panama Canal?

Mr. SMALL. The gentleman from Tennessee asks why I would exempt transportation through the Panama Canal. I do not do it because I personally favor it. The fact is that after spending hundreds of millions of dollars in the construction of the Panama Canal, the transcontinental railroads asked the Interstate Commerce Commission to reduce their transcontinental rates, and the Interstate Commerce Commission complied with the request. What is the result? We have reduced rail rates between Atlantic and Pacific points, and yet from points near the Pacific and points near the Atlantic, 100 or 200 miles in the interior, we have rates which, mile for mile, are very much higher. In other words, we have spent these hundreds of millions of dollars in the construction of the Panama Canal for the purpose of benefiting some sections in the United States at the expense of other sections.

Mr. SIMS. Of all other sections.

Mr. SMALL. And that is what we are permitting our railroads to do in connection with our interior waterways. We are spending millions of dollars properly and rightfully to improve these interior waterways and yet we are permitting their improvement to be taken as an excuse to reduce rail rates competitive with them.

Mr. SIMS. I object to the amendment of the gentleman from Missouri.

Mr. SMALL. Gentlemen stand up in this body sometimes and point out a certain river and say that it is not used, and they say waterways are not essential and can not be used profitably in carrying the commerce of the United States. If that be so, why should railroads wish to reduce their rates which are competitive with water? If waterways are of no benefit and are not superior to the railroads for the transportation of freight, why do the railroads fear competition with them?

We ought to adopt a wise policy. There is no justification for the expenditure of public money in improving our waterways if their improvement is only to result in a reduction of rail rates competitive with those waterways, and it is an injustice to all the people to expend their money in that way, and it is a rank injustice to the people of the interior sections who are made to pay the normal high rates when the sections contiguous to those waterways get the benefit of the reduced rates. I hope the amendment will receive the approval of the House.

Mr. CLEARY. The gentleman from North Carolina asked why the railroads do this. I wish to call attention to a certain reason. The railroads carry first-class freight and passengers as well as rough freights. The waterways are generally confined to the cheap, rough freight, while of course the railroads, because of the money they earn from carrying express and high-class freight and passengers, are enabled to cut the rates on low-class freight so as to beat the waterways, because they make money enough out of their other business. That is the reason that they are enabled to do this, and that is the reason that the amendment of the gentleman from North Carolina should carry. They do it. I have known plenty of cases where they do it. It is perfectly natural for them to do it. They want to get business, to bring their cars back loaded instead of bringing them back light, so they take this rough freight for little or nothing. They are able to do it because of the high rates they get on high-class merchandise and on the carrying of passengers.

The CHAIRMAN (Mr. TILSON). Does the gentleman from Illinois make his point of order, or is the point of order reserved?

Mr. CANNON. I make the point of order.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. CANNON. This deals with railroads and does not deal with water transportation. This is returning the railroads to their owners. The rivers were not turned over to the President. I think it is clearly subject to a point of order. Arguing the amendment on its merits, I think it would be very mischievous if it was enacted into law; but the easiest way to get rid of it is to have it disposed of on the point of order, if it is subject to the point of order.

The CHAIRMAN. Does the gentleman wish to be heard further on his point of order?

Mr. CANNON. No.

Mr. SMALL. Does the Chair desire to hear from me?

The CHAIRMAN. The Chair is ready to rule.

Mr. HUMPHREYS. This is an amendment to the commerce act which deals with the fixing of railroad rates.

The CHAIRMAN. If the gentleman makes the point of order that the amendment is not germane at this point in the bill, the Chair will feel constrained to sustain his point of order; but as the bill under consideration amends the interstate-commerce act in many sections, the amendment would probably be

held to be germane if offered in another place as a new section amending the interstate-commerce act.

Mr. CANNON. We had better have it in the right place.

The CHAIRMAN. The amendment offered by the gentleman from North Carolina relates to rates competitive with water transportation. There is nothing relating to that matter in this section, and the Chair sustains the point of order.

Mr. SMALL. If it is necessary to do so, I should like to give notice that I will offer this amendment again.

Mr. DUNBAR. I move to strike out the last two words. On page 39, line 8, the words "common carriers" are used. Then it goes on to define what are the duties of common carriers under this act. They are referred to as being corporations engaged in the transportation of passengers and property wholly by railroad, and so forth. Now, on page 40 it is said that the provisions of this act shall not apply—

to the transportation of passengers or property, or to the receiving, delivering, storage, or handling of property wholly within one State.

Do the words "common carriers" in this connection include electric interurban railroads doing an interstate business?

Mr. ESCH. The motive power used by a common carrier does not necessarily determine as to whether it is or is not an interstate carrier.

Mr. DUNBAR. Then, under the provisions of this act an interurban electric railroad which is doing an interstate business, and which has been under the regulation of the Interstate Commerce Commission, so far as they have exercised the power to fix the transportation rates, will also, under this section, be under the jurisdiction of the Interstate Commerce Commission, which will have the additional power to require such an interurban electric railway to furnish adequate car service and accommodations.

Mr. ESCH. Yes. I do not see any exception to that provision.

Mr. DUNBAR. I see no exception. I only wanted to be positive that the Interstate Commerce Commission under this act would have control of electric railways doing interstate business, the same as they have control of the steam railroads.

Mr. WHITE of Maine. Mr. Chairman, I move to strike out the last three words. I desire to ask the chairman a question about subsection (c) of section 400, page 39. That relates to the transmission of intelligence by wire or wireless. Is the inclusion of wireless in the act adding something new to the existing interstate-commerce law?

Mr. ESCH. No; it is in the act of 1910.

Mr. WHITE of Maine. Subsequent to that act there was a general wireless act passed in 1912, and I wondered if you were not running into conflict with that act of 1912, which gives the Secretary of Commerce very general jurisdiction over the practices of wireless stations.

Mr. ESCH. That is a matter of operation, and this bill deals with rates, and so forth.

Mr. WHITE of Maine. Does not this deal with practices of these companies as well as the matter of rates?

Mr. ESCH. Rates, fares, charges, and practices, and it might deal with classifications, if there are any.

Mr. WHITE of Maine. Is not the matter of practice already covered by the radio act?

Mr. ESCH. That might be true.

Mr. WHITE of Maine. That is what I wanted to get at, whether you are attempting to take from the Secretary of Commerce general jurisdiction over practices of radio companies, to take from him authority he has now under existing law.

Mr. ESCH. I will refer the gentleman to paragraph 6, page 43, which reads as follows:

It is hereby made the duty of all common carriers subject to the provisions of this act to establish, observe, and enforce just and reasonable classifications of property for transportation, with reference to which rates, tariffs, regulations, or practices are or may be made or prescribed, and just and reasonable regulations and practices affecting classifications, rates, or tariffs, the issuance, form, and substance of tickets, receipts, and bills of lading.

And so forth.

Mr. WHITE of Maine. It would almost seem to me as though you were giving the Interstate Commerce Commission authority in relation to practices which may be vested by existing law in the Department of Commerce. I have no particular concern about it.

Mr. ESCH. If it comes to that, the Interstate Commerce Commission was given jurisdiction over various wire systems long before Congress enacted the act of 1912, but I do not think in actual practice there is any conflict of jurisdiction; none, at least, has been brought to our attention.

The Clerk read as follows:

Sec. 401. The sixth and seventh paragraphs of section 1 of the commerce act, as such paragraphs appear in section 7 of the commerce court act, are hereby amended by inserting "(8)" at the beginning of such sixth paragraph and "(9)" at the beginning of such seventh paragraph.

Mr. BARKLEY. Mr. Chairman, I move to strike out the last word to ask a question. Some Members are inquiring what plan the chairman of the committee has as to continuing the session. In order that Members may know what to depend upon, I would like to ask him that question.

Mr. ESCH. If we can make good progress up to 7 o'clock we will not have an evening session.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. BARKLEY. I will.

Mr. CLARK of Missouri. Habit is a great thing, and everybody eats dinner or supper, or whatever you please to call it, along about 7 o'clock or half past 6. I think it would be a great deal better to take a recess from 6 to 8 and then come back here and work at this thing two hours or so, and not put everybody into higgledy-piggledy in going to dinner. I waited yesterday evening and voted on these things and listened until you began to make a motion for the committee to rise. I left, went to the hotel to get supper, and, lo and behold, you had a roll call. [Laughter.]

Mr. BARKLEY. We have had this difficulty in having no understanding. Yesterday on the suggestion of the chairman that we would rise at 6 o'clock a number of Members went home, and later on we decided to sit until 7, and in the meantime a roll call came and many missed the roll on that advice that was given.

Mr. ESCH. If we can be assured of having a full attendance at 8 o'clock, so that a point of no quorum could not be made, I would move that the committee rise at 6 o'clock and recess.

Mr. SUMNERS of Texas. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SUMNERS of Texas. I was in confusion as to the situation here, and I wanted to offer a short amendment, on page 42.

The CHAIRMAN. The Chair will advise the gentleman that we have passed that section.

Mr. SUMNERS of Texas. I ask unanimous consent to return to that section to submit this amendment.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to return to section 400 for the purpose of offering an amendment.

Mr. ESCH. We would like to know what the amendment is.

The CHAIRMAN. The Clerk will read the amendment before a unanimous-consent request is submitted.

The Clerk read as follows:

Page 42, line 16, after the word "thereof," insert "or any charge for transporting passengers or property from one point to a given destination, greater than that charged for a like service, from such point of origin to a point beyond and at a greater distance from such destination."

Mr. ESCH. Mr. Chairman, I shall have to object to that. That is a practical modification of the fourth section.

The CHAIRMAN. The gentleman from Wisconsin objects to returning to the section for the purpose of offering the amendment.

Mr. REED of New York. Mr. Chairman, I ask unanimous consent to extend and revise my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HERSEY. Mr. Chairman, I ask unanimous consent that I may extend my remarks in the RECORD on the Anderson amendment.

The CHAIRMAN. The gentleman from Maine asks unanimous consent to revise and extend his remarks in the RECORD on the Anderson amendment. Is there objection?

There was no objection.

Mr. SIEGEL. Mr. Chairman, I make the same request.

Mr. BLACK. Mr. Chairman, I make the same request.

Mr. BANKHEAD. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent to extend and revise my remarks in the RECORD.

The CHAIRMAN. Is there objection?

Mr. LINTHICUM. Mr. Chairman, reserving the right to object, I should like to ask the gentleman what he wants to extend on?

Mr. MADDEN. On what I said this afternoon.

Mr. LINTHICUM. I object to the gentleman extending his remarks upon the subject of his amendment, which provided for the admission of negroes into white labor unions in this country.

The CHAIRMAN. The gentleman from Maryland objects.

Mr. MADDEN. There will be no more extension of remarks, I will say to the gentleman, as long as I am here.

The Clerk read as follows:

SEC. 402. The paragraphs added to section 1 of the commerce act by the act entitled "An act to amend an act entitled 'An act to regulate commerce,' as amended, in respect of car service, and for other purposes," approved May 29, 1917, are hereby amended to read as follows:

"(10) The term 'car service' in this act shall include the use, control, supply, movement, distribution, exchange, interchange, and return of locomotives, cars, and other vehicles used in the transportation of property, and the supply, movement, and operation of trains, by any carrier by railroad subject to this act.

"(11) It shall be the duty of every carrier by railroad subject to this act to furnish safe and adequate car service and to establish, observe, and enforce just and reasonable rules, regulations, and practices with respect to car service; and every unjust and unreasonable rule, regulation, and practice with respect to car service is prohibited and declared to be unlawful.

"(12) It shall also be the duty of every carrier by railroad to make just and reasonable distribution of cars for transportation of coal among the coal mines served by it, whether located upon its line or lines or customarily dependent upon it for car supply. During any period when the supply of cars available for such service does not equal the requirements of such mines it shall be the duty of the carrier to maintain and apply just and reasonable ratings of such mines and to count each and every car furnished to or used by any such mine for transportation of coal against the mine. Failure or refusal so to do shall be unlawful, and in respect of each car not so counted shall be deemed a separate offense, and the carrier, receiver, or operating trustee so failing or refusing shall forfeit to the United States the sum of \$100 for each offense, which may be recovered in a civil action brought by the United States.

"(13) The commission is hereby authorized by general or special orders to require all carriers by railroad subject to this act, or any of them, to file with it from time to time their rules and regulations with respect to car service, and the commission may, in its discretion, direct that such rules and regulations shall be incorporated in their schedules showing rates, fares, and charges for transportation, and be subject to any or all of the provisions of this act relating thereto.

"(14) The commission may, after hearing, on a complaint or upon its own initiative without complaint, establish reasonable rules, regulations, and practices with respect to car service by carriers by railroad subject to this act, including the compensation to be paid for the use of any locomotive, car, or other vehicle not owned by the carrier using it, and the penalties or other sanctions for nonobservance of such rules, regulations, or practices.

"(15) Whenever the commission is of opinion that shortage of equipment, congestion of traffic, or other emergency requiring immediate action exists in any section of the country, the commission shall have, and it is hereby given, authority, either upon complaint or upon its own initiative without complaint, at once, if it so orders, without answer or other formal pleading by the interested carrier or carriers, and with or without notice, hearing, or the making or filing of a report, according as the commission may determine: (a) to suspend the operation of any or all rules, regulations, or practices then established with respect to car service for such time as may be determined by the commission; (b) to make such just and reasonable directions with respect to car service without regard to the ownership of locomotives, cars, and other vehicles, and to handling, routing, and movement of traffic, during such emergency as in its opinion will best promote the service in the interest of the public and the commerce of the people, upon such terms of compensation as between the carriers for the use of facilities and for handling, routing, or movement of traffic as they may agree upon, or, in the event of their disagreement, as the commission may after subsequent hearing find to be just and reasonable; (c) to require such joint or common use of terminals as in its opinion will best meet the emergency and serve the public interest, and upon such terms as between the carriers as they may agree upon, or, in the event of their disagreement, as the commission may after subsequent hearing find to be just and reasonable; and (d) to give directions for preference or priority in transportation, embargoes, or movement of traffic under permits, at such time and for such periods as it may determine, and to modify, change, suspend, or annul them. In time of war or threatened war the President may certify to the commission that it is essential to the national defense and security that certain traffic shall have preference or priority in transportation, and the commission shall, under the power herein conferred, direct that such preference or priority be afforded.

"(16) The directions of the commission as to car service and to the matters referred to in paragraph (15) may be made through and by such agents or agencies as the commission shall designate and appoint for that purpose. It shall be the duty of all carriers by railroad subject to this act, and of their officers, agents, and employees, to obey strictly and conform promptly to such orders or directions of the commission, and in case of failure or refusal on the part of any carrier, receiver, or operating trustee to comply with any such order or direction such carrier, receiver, or trustee shall be liable to a penalty of not less than \$100 nor more than \$500 for each such offense and \$50 for each and every day of the continuance of such offense, which shall accrue to the United States and may be recovered in a civil action brought by the United States.

"(17) After 90 days after this paragraph takes effect no carrier by railroad subject to this act shall undertake the extension of its line of railroad, or the construction of a new line of railroad, or shall acquire or operate any line of railroad, or extension thereof, or shall engage in transportation under this act over or by means of such additional or extended line of railroad, unless and until there shall first have been obtained from the commission a certificate that the present or future public convenience and necessity require or will require the construction, or operation, or construction and operation, of such additional or extended line of railroad, and no carrier by railroad subject to this act shall abandon all or any portion of a line of railroad, or the operation thereof, unless and until there shall first have been obtained from the commission a certificate that the present or future public convenience and necessity permit of such abandonment.

"(18) The application for and issuance of any such certificate shall be under such rules and regulations as to hearings and other matters as the commission may from time to time prescribe, and the provisions of this act shall apply to all such proceedings. Upon receipt of any application for such certificate the commission shall cause notice thereof

to be given to and a copy filed with the railroad commission, or public service or utilities commission, or other appropriate authority, or the governor, of each State in which such additional or extended line of railroad is proposed to be constructed or operated, or all or any portion of a line of railroad, or the operation thereof, is proposed to be abandoned, with the right to be heard as hereinafter provided with respect to the hearing of complaints or the issuance of securities.

"(19) The commission shall have power to issue such certificate as prayed for, or to refuse to issue it, or to issue it for a portion or portions of a line of railroad, or extension thereof, described in the application, or for the partial exercise only of such right or privilege, and may attach to the issuance of the certificate such terms and conditions as in its judgment the public convenience and necessity may require. From and after issuance of such certificate, and not before, the carrier by railroad may, without securing approval other than such certificate, comply with the terms and conditions contained in or attached to the issuance of such certificate and proceed with the construction, operation, or abandonment covered thereby. Any construction, operation, or abandonment contrary to the provisions of paragraph (17), (18), or (19) of this section may be enjoined by any court of competent jurisdiction at the suit of the United States, the commission, any commission or regulating body of the State or States affected, or any party in interest, and any carrier knowingly violating any of the foregoing provisions shall be guilty of a misdemeanor and upon conviction shall be liable to the penalties provided for the violation of this act.

"(20) The commission may, after hearing, in a proceeding upon complaint or upon its own initiative without complaint, authorize or require by order any carrier by railroad subject to this act, party to such proceeding, to provide itself with safe and adequate facilities for performing as a common carrier its car service as that term is used in this act, and to extend its line or lines: *Provided*, That the commission shall find that such provision of facilities or extension is reasonably required in the interest of public convenience and necessity and will not impair the ability of the carrier to perform its duty to the public. Any carrier subject to this act which refuses or neglects to comply with any order of the commission made in pursuance of this paragraph shall be liable to a penalty of \$100 for each day during which such refusal or neglect continues, which shall accrue to the United States and may be recovered in a civil action brought by the United States.

"(21) The authority of the commission conferred by paragraphs (17) to (20), both inclusive, shall not extend to the construction or abandonment of sidetracks, or of spur, industrial, team or switching tracks, or of street car and electric interurban lines, if such tracks or lines are located or to be located wholly within one State."

Mr. SWEET. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. SWEET: Amend paragraph (16), on page 50, by adding after the word "States," in line 15 thereof, the following: *Provided, however*, That nothing in this act shall impair or affect the right of the State in the exercise of its police power to require just and reasonable freight and passenger service and the fair exchange and distribution of equipment for intrastate business.

Mr. SWEET. Mr. Chairman, I wish to call the attention of the committee to division 10 of section 402, on page 46, relative to car service:

"(10) The term 'car service' in this act shall include the use, control, supply, movement, distribution, exchange, interchange, and return of locomotives, cars, and other vehicles used in the transportation of property, and the supply, movement, and operation of trains, by any carrier by railroad subject to this act.

Under the provisions of that division the Interstate Commerce Commission would have absolute jurisdiction over car service. In a general way I am in favor of the provisions in the bill in regard to car service, but, gentlemen, you must observe that that would rob the State commissions or the State regulatory bodies of all jurisdiction over car service. The State commissions perform a very important public duty in seeing that cars are properly distributed between shippers in congested periods, in preventing discrimination between shippers and communities, in the distribution of cars, in compelling carriers to supply cars to certain shippers or localities, and in orders which require the improvement of freight and passenger service. If the Interstate Commerce Commission has jurisdiction of all these matters you can see at once the difficulties that the State will encounter in handling a practical question of cars and car service. The amendment that I have offered provides that nothing in the act shall impair or affect the right of the State in the exercise of its police powers with regard to just and reasonable freight and passenger service and fair exchange and distribution of equipment for intrastate business.

That matter, as I view it, should be left to the State regulatory bodies, to the State commission, so that any little inconvenience that may arise or discrimination between shippers within a particular State may be disposed of expeditiously, so that it will not require anyone who has been aggrieved upon a small matter to place the matter before the Interstate Commerce Commission and incur unusual expense and delay. It seems to me that the jurisdiction of the State commissions should be preserved in connection with the car service, at least to the extent provided in the amendment that I am proposing.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. SWEET. Yes.

Mr. DENISON. I want to ask the gentleman from Iowa what he would do in case the State commission issued an order for the distribution of cars that interfered with interstate commerce upon the same railroad?

Mr. SWEET. That would be taken care of by this amendment.

Mr. DENISON. But you are taking that authority away from them.

Mr. SWEET. Yes; but the amendment applies to intrastate and not interstate business.

Mr. DENISON. I know; but intrastate commerce can interfere with interstate commerce.

Mr. SWEET. That is true; and as far as it pertains to intrastate commerce, I want the State commission to be supreme.

Mr. DENISON. Well, suppose you say something about rates—

Mr. SWEET. I am not talking about rates; I am talking about the practical handling of the car situation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ESCH. Mr. Chairman, I rise in opposition to the pending amendment. In my judgment this amendment, if adopted, will take the vitality out of the car-service act. It will hamstring the Federal authorities, for it reads:

Provided, however, That nothing in this act shall impair or affect the right of a State in the exercise of its police power to require just and reasonable freight and passenger service and a fair exchange and distribution of equipment for intrastate business.

The car-service act is connected with emergency legislation. Suppose there be an emergency to-day and the Interstate Commerce Commission wished to order cars from a certain section to be sent to another section where they are needed. The State authority under this amendment might prevent the full exercise of that authority by the Interstate Commerce Commission, rendering the Federal statute practically nugatory.

Mr. SWEET. Will the gentleman yield?

Mr. ESCH. Yes; I will yield.

Mr. SWEET. What does the gentleman say about taking care of small matters at stations in connection with the distribution of cars and the like of that in the everyday business affairs of this country?

Mr. ESCH. That would not be interfered with by the car-service act. That would be left as would other minor details connected with depots or yards. The car-service act was not designed to function as to these details. It is the flow and movement of cars that this bill has in view.

Mr. SWEET. Let me call attention to the provisions that I have read here, which are practically without limitation.

Mr. ESCH. And as I said, they ought to be without limitation if the car-service act is to be of any force and effect, if the Interstate Commerce Commission is to function in time of emergency.

Mr. SWEET. And again may I call the gentleman's attention—

Mr. ESCH. If I have any time.

The CHAIRMAN. The gentleman has one minute remaining.

Mr. SWEET. Then may I say to the gentleman that when the Federal authority exercises its authority over car service it gives it exclusive jurisdiction. Is not that true?

Mr. ESCH. It ought to have, as I say, in this case of emergency. Car service applies largely to emergent conditions. We ought not to shackle the Federal instrumentality in carrying out the provisions of the car-service act by reason of an amendment which would give the State authorities the right to hamper and interfere with its exercise.

Mr. BARKLEY. It also provides that the Interstate Commerce Commission may have representatives on the ground to give orders to prevent congestion there—compel distribution of freight so as to clear the tracks and terminals.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEENERSON. Mr. Chairman and gentlemen of the committee, I want to state at this time that Congress should look out and not entirely destroy the rights of the States.

We have had experience now with Federal control of railroads, and I know, so far as my district is concerned, that before Federal control began these local matters were managed to the satisfaction of the people. Heretofore, before Federal control, these matters were taken care of by the State commission to the entire satisfaction of the people. My district is not only a thousand miles from Washington, but most of it is 1,500 miles from Washington. There has grown up there in the last 10 years a great potato industry, so that that State has become perhaps the first, or at least the second, potato-producing State in the Union. But they have an early fall up there and frost comes in October. They can have only six weeks in which to dispose of their potatoes, and they must have cars. The State commission has been very efficient in arranging the car service of the State so as to get these potatoes worth millions of dollars out to the market. But after Federal control stepped

in they have been unable to do so, and so I have been flooded with telegrams and letters and petitions during this fall, and a year ago, asking me to help them to get cars for this service—

Mr. DENISON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Illinois?

Mr. STEENERSON. Yes.

Mr. DENISON. If the Interstate Commerce Commission had power to order it, and the gentleman's potato friends had applied to the commission, they could have gotten cars from any place in the United States, so that you would have a larger body to get cars from.

Mr. STEENERSON. Oh, they had to come to Washington, and when they would come to Washington we had to intercede with the authorities here. I have no complaint against the Railroad Administration. They have, it is true, saved our people from a greater loss; but I say that before Federal control came we had these matters satisfactorily attended to by the State authorities.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. ESCH. Instead of having to come to Washington in regard to this car service, I call the gentleman's attention to the provision in the bill that requires that provision with respect to car service shall be made by the agency designated for that purpose.

Mr. STEENERSON. Still you are destroying the usefulness of our State commission and that of every other State in the Union, and it is not necessary in accomplishing the objects we have in mind to do that. You are absorbing all the power of the local authorities to serve the people as to intrastate traffic, and it seems to me you are doing it with no justifiable end in view. It is sufficient that you have jurisdiction of interstate matters, and you should not entirely destroy and emasculate the State commission in intrastate matters. I hope the committee will remedy this, not only in this section but in others that will come up hereafter.

We had a good object lesson of how this centralization of power works in the case of telegraphs and telephones. There were numerous complaints involving local matters in that service, but the difficulty in getting relief from the centralized controlling agency was so great that it amounted to a denial of justice.

It will be so if jurisdiction of all these intrastate matters is transferred to national authority.

The CHAIRMAN. The time of the gentleman from Minnesota has expired. All time on the amendment has expired.

Mr. HUDSPETH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Chair is of opinion that that would be an amendment to the third degree. There is an amendment pending.

Mr. HUDSPETH. I want to offer a substitute for the amendment offered by the gentleman from Iowa [Mr. SWEET].

The CHAIRMAN. The Chair will recognize the gentleman from Texas to offer his substitute. The Clerk will read it.

The Clerk read as follows:

Mr. HUDSPETH offers the following as a substitute for the amendment offered by Mr. SWEET: Amend the bill, page 48, line 14, by striking out all of subdivision "(15)" on pages 48 and 49, and subdivision "(16)" on page 50, and subdivision "(17)" on pages 50 and 51, and subdivision "(18)" on page 51, and subdivision "(19)" on pages 51 and 52, and subdivision "(21)" on page 53.

Mr. SWEET. Mr. Chairman, I make the point of order that it is not germane to the amendment I have offered.

The CHAIRMAN. The Chair is of opinion that it is not a substitute for the motion of the gentleman from Iowa.

Mr. HUDSPETH. It is to strike out section 16.

The CHAIRMAN. But it is not a substitute for the amendment of the gentleman from Iowa which proposes to add language.

Mr. HUDSPETH. I will ask then that it be considered as offered.

The CHAIRMAN. The gentleman asks that his amendment be considered as read for information?

Mr. HUDSPETH. Yes.

The CHAIRMAN. The question is on the amendment of the gentleman from Iowa.

Mr. HUDSPETH. I should like to be heard on the amendment.

The CHAIRMAN. The gentleman asked that the amendment be considered as read for information. The Chair will state that after the amendment of the gentleman from Iowa has been disposed of, it will be in order to strike out the subdivision.

Mr. HUDSPETH. Then I ask unanimous consent to speak for five minutes.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. HUDSPETH. Mr. Chairman and gentlemen of the committee, my original purpose was to strike out the sections of this bill that refer to the distribution of cars by the Interstate Commerce Commission and that provide for the abandonment of railroads at the instance of the Interstate Commerce Commission.

My purpose in offering this amendment is to restore to the States the rights that they have had under State constitutions and laws and under the railroad commissions of the several States. [Applause.] That is the purpose of my amendment. The gentleman from Wisconsin [Mr. Esch] made the statement that this amendment would hamstring the Federal Government. I want to be candid with you, gentlemen, and I say that when the Federal Government takes away the rights delegated to the States under the Constitution of this Republic and reserved to the people of the several States, I want to hamstring the Federal Government in the interest of my State and its State laws. That is my purpose.

Let me call to your minds the fact that Hon. John H. Reagan, that noble Roman of former days, in the Senate of the United States, in conjunction with the Senator from Illinois, Mr. Cullom, wrote the law under which the Interstate Commerce Commission now exists. Afterwards, when the great State of Texas passed its railroad commission law by an almost unanimous vote of the people, Senator Reagan was appointed by Gov. Hogg chairman of the first State commission, and he resigned his seat in the United States Senate and came to Texas and prescribed the intrastate rates that have existed in Texas and that will exist in my State unless you adopt this provision. If you do, every vestige of State rates, the rates made by the commission of my State, will be taken away by the provision of this bill. While I am sure the committee have given great thought to the preparation of this bill, and while one of my close friends and colleague from Texas is upon that committee, yet I say to you that unless you restore to the States and the commissions of the States the right to prescribe intrastate rates, I can not support this bill.

I want to say to you that unless this amendment is adopted and this section is stricken out, a man appointed from Washington will go to my State and route the cars. You say you can come and get your authority from the Interstate Commerce Commission. Yes; they will delegate a man to go to my State and route the cars over any route, because he can always to his satisfaction find a congested condition, and by that means you will destroy live-stock shipments, you will destroy shipments of vegetables from south Texas, you will destroy shipments of all kinds of commodities all over my State, as has been fully explained by my colleague from Texas [Mr. Parrish].

I am opposed to these provisions in subdivision 17, which provide that the Interstate Commerce Commission, 3,000 miles from my district, can issue a decree that a railroad shall be abandoned, that its tracks shall be taken up, in the face of a statute in my State which provides that it can not be done except upon a bill presented to the legislature and passed by that body. I say when you provide that upon a decree of the Interstate Commerce Commission the railroads can be abandoned, and that every person desiring to organize a corporation for the building of a railroad shall come to Washington, 3,000 miles away, and show the necessity for that road to the Interstate Commerce Commission, it means, I will say to my friends who represent the Panhandle of Texas, that if you pass this bill it means the death to the building of every railroad in the Panhandle of Texas.

The Santa Fe Railroad Co. is a trunk line through the Panhandle section, and, with shrewd lawyers employed, it can show a lack of necessity for any railroads being built through that sparsely settled country. Pass this bill and it sounds the death knell of the building of any other road in the great State of Texas. There is no question about it in my mind, and unless you strike these sections from the bill I have asked you to strike out, there will be no more railroad development in my State.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HUDSPETH. Mr. Chairman, I ask for 5 minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none.

Mr. HUDSPETH. I want to talk to the men who believe there is a vestige of State rights left. I was taught, gentlemen, from my infancy that the Republican Party and its individual members stood for a strong centralized government and that the Democratic Party stood for the rights of the States. I believed that up until my early manhood, when I observed a colloquy that took place in the United States Senate between two of the greatest minds that every flashed their brilliancy across the floor of that body—two of the greatest lances that ever crossed in a forensic debate in that body, one representing the great State of Wisconsin and the other representing the imperial Commonwealth of Texas. One of them was designated as the greatest constitutional lawyer that had a seat in that body since the days of John C. Calhoun—Senator Joseph Bailey, of Texas—and the other was a great legal light. One was Senator John C. Spooner, of Wisconsin, and in that debate the Senator from Wisconsin referred to the fact that he was a State-rights Republican, and the distinguished Senator from Texas—Joseph W. Bailey—said at that time that he wanted to say to the Senator from Wisconsin that he had heard of a white crow and a black swan, but up to that good hour he had never heard of a State-rights Republican.

But, my friends, the distinguished Senator from Wisconsin convinced Senator Bailey in their long service together that he was a State-rights Republican. I have met many of them since then. I want to say to you, my friends, on both sides of this Chamber, that if you pass this bill you wipe out all State lines, and you reduce the States not only to provinces but to mere flunkies, because under this bill they have got to come here and sit with the Interstate Commerce Commission as mere flunkies—they have no vote; they have no say in any matter affecting purely intrastate rights.

Pass this bill and every man who has to file a claim in a far, remote section of Texas in my district, from beyond the other side of the sunset, has got to come to Washington and file it, 3,000 miles away. What do you think of that? Do you believe that if a man has a shipment of cattle damaged to the extent of \$250 he is coming to Washington to file his claim? Under section 16 if I wanted to send a Hereford bull to my friend from Arkansas, Congressman Goodwin, they could route it around by Illinois, and he would die of old age before he got it. Another friend of mine, the gentleman from Mississippi [Mr. Collier], who is in the goat business—and there are only two of us in the House in the goat business—if I wanted to send him a fine Angora goat and I started him over the Southern Pacific, when he got to San Antonio they could route him around by the Great Lakes and he would be so old when he got there that his whiskers would have dropped off. [Laughter and applause.]

This is the provision in section 16 that the gentleman from Wisconsin says if amended will hamstring the Federal Government. Let us hamstring the Federal Government and get back to States rights where the people rule, bring the government home to the people, and not centralize it in Washington. [Applause.] That is what the bill does, my friends, centralizes the power in Washington for the making of rates; and it will cause everybody to come here and file his claim 3,000 miles away. [Applause.] My God, gentlemen, have we lost all confidence in our local tribunals to make our laws and fix our freight rates? I, for one, have not. [Great applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. Sweet].

Mr. CLARK of Missouri. Mr. Chairman, I want to suggest to the gentleman from Wisconsin that the hour of 6 o'clock has arrived.

Mr. ESCH. Can not we dispose of this amendment before we rise?

Mr. SANDERS of Louisiana. Quite a number of gentlemen have left the Chamber within the last few minutes.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk again reported the amendment.

Mr. CALDWELL. Mr. Chairman, the House is under an agreement to rise at 6, and I do not want to violate the agreement that we entered into.

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. Sweet) there were—ayes 95, noes 39.

So the amendment was agreed to.

Mr. ESCH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to; accordingly the committee rose, and the Speaker having resumed the chair, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19453, and had come to no resolution thereon.

RECESS.

Mr. ESCH. Mr. Speaker, I move that the House stand in recess until 8 o'clock this evening.

The motion was agreed to; and accordingly (at 6 o'clock and 5 minutes p. m.) the House stood in recess.

EVENING SESSION.

The recess having expired, at 8 o'clock p. m. the House was called to order by the Speaker.

CONTROL OF TELEGRAPH SYSTEMS.

The SPEAKER laid before the House the following message from the President of the United States, which was read:

To the Senate and House of Representatives:

In conformity with the provisions of an act of Congress entitled "An act to repeal the joint resolution entitled 'Joint resolution to authorize the President in time of war to supervise or take possession and assume control of any telegraph, telephone, marine cable, or radio system or systems or any part thereof, and to operate the same in such manner as may be needful or desirable for the duration of the war and to provide just compensation therefor,' approved July 16, 1918, and for other purposes," approved July 11, 1919, I am transmitting herewith a report made by Albert S. Burleson, Postmaster General of the United States, giving a detailed account and report as far as it is possible to do so at this time of all acts and proceedings in connection with the supervision, possession, control, and operation of the telephone, telegraph, and marine cable systems of the United States, and of all moneys received and expended, and all property and assets acquired or held, and all liabilities or obligations incurred, including contracts relative to compensation awards.

WOODROW WILSON.

THE WHITE HOUSE,
13 November, 1919.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that the message and the report of the Postmaster General be printed in the RECORD.

The SPEAKER. The Chair would suggest to the gentleman that it is very voluminous.

Mr. MADDEN. I think it is an important matter, and I think the information ought to be furnished to the public. I do not know of anything more important than to show that they have lost \$14,000,000 on the Government operation of the telegraph and telephone lines.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the message and accompanying papers from the Postmaster General be printed in the RECORD. Is there objection?

Mr. JOHNSON of Mississippi. Mr. Speaker, I object.

Mr. MADDEN. Then I ask unanimous consent that it be printed as a public document.

The SPEAKER. The message with the papers is referred to the Committee on Interstate and Foreign Commerce.

Mr. MADDEN. Mr. Speaker, in the meantime I think the importance of the document is such that it should be printed as a public document.

The SPEAKER. The gentleman from Illinois asks unanimous consent that it be printed as a public document. Is there objection?

There was no objection.

Mr. JOHNSON of Mississippi. Mr. Speaker, I withdraw the objection I made to having it printed in the RECORD.

Mr. HUMPHREYS. Mr. Speaker, I renew the objection.

WOMAN SUFFRAGE.

The SPEAKER laid before the House a communication from the secretary of state of the State of Maine transmitting a resolution announcing the ratification of the proposed amendment to the Constitution granting the right of suffrage to women.

THE RAILROAD BILL.

Mr. ESCH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10453, the railroad bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the railroad bill, with Mr. WALSH in the chair.

The Clerk reported the title of the bill.

Mr. ESCH. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Wisconsin makes the point of order that there is no quorum present. The Chair will count. [After counting.] Ninety-eight Members present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Fields	Lee, Ga.	Saunders, Va.
Andrews, Md.	Fisher	Lehlbach	Schall
Anthony	Flood	Longworth	Scully
Ashbrook	Focht	McAndrews	Sells
Aswell	Fordney	McCulloch	Sherwood
Baer	Frear	McKenzie	Sinclair
Bell	Freeman	McKeown	Sisson
Benham	Fuller, Ill.	McPherson	Slemp
Benson	Fuller, Mass.	Magee	Smith, Ill.
Blackmon	Gallivan	Maher	Smith, N. Y.
Bland, Va.	Gandy	Major	Snell
Blanton	Gard	Mann, Ill.	Steagall
Boies	Garner	Mason	Stedman
Booher	Godwin, N. C.	Merritt	Steele
Bowers	Good	Montague	Stephens, Miss.
Britten	Goodall	Moon	Stiness
Browne	Goodykoontz	Moore, Pa.	Sullivan
Burdick	Gould	Moore, Va.	Summers, Wash.
Byrns, Tenn.	Graham, Ill.	Moore, Ind.	Swope
Campbell, Kans.	Hamill	Mott	Taylor, Ark.
Cantrill	Hardy, Tex.	Mudd	Taylor, Colo.
Caraway	Harrison	Nelson, Mo.	Taylor, Tenn.
Carter	Haugen	Newton, Mo.	Thomas
Casey	Hays	Nicholls, S. C.	Tincher
Chindblom	Hicks	Oldfield	Towner
Clark, Fla.	Hill	Olney	Vare
Cooper	Holland	Padgett	Vestal
Copley	Hulings	Peters	Vinson
Cramton	Igoe	Phelan	Ward
Currie, Mich.	Ireland	Platt	Wason
Davis, Minn.	Jacoway	Porter	Watson, Va.
Davis, Tenn.	James	Pou	Webster
Dent	Johnson, Ky.	Purnell	Whaley
Dewalt	Johnson, S. Dak.	Reavis	Williams
Dickinson, Iowa	Johnston, N. Y.	Reber	Wilson, Ill.
Donovan	Juhl	Rhodes	Wingo
Dooling	Kelley, Mich.	Riddick	Winslow
Doremus	Kelly, Pa.	Riordan	Woods, Va.
Drane	Kennedy, Iowa	Rodenberg	Woodyard
Dunn	Kettner	Rowan	Young, Tex.
Elston	Kies	Sabath	Zihlman
Evans, Mont.	Kitchin	Sanders, Ind.	
Fairfield	LaGuardia	Sanders, N. Y.	
Ferris	Langley	Sanford	

The committee rose; and the Speaker having resumed the chair, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 10453, finding itself without a quorum, under the rule he caused the roll to be called, whereupon 254 Members answered to their names, and he presented a list of the absentees for insertion in the Journal.

The SPEAKER. The committee will resume its session.

Mr. DICKINSON of Missouri. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. DICKINSON of Missouri: Page 51, line 13, after the word "cause," insert "due," so as to read "due notice."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was rejected.

Mr. DICKINSON of Missouri. I offer a second amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 51, line 20, after the word "abandoned," insert "and such notice shall also be published in some newspaper of general circulation in each county in and through which said line of railroad is constructed or operates."

Mr. ESCH. Will the gentleman put in "for the period of three weeks"? The gentleman does not make a limit.

Mr. DICKINSON of Missouri. I have no objection.

Mr. ESCH. Just insert that in your amendment, and I do not think the committee will object to it.

Mr. DICKINSON of Missouri. Let that be inserted, then, "for three weeks."

The CHAIRMAN. The gentleman from Missouri asks to modify his amendment in the manner suggested.

Mr. ESCH. "Three consecutive weeks," and put it at the end of the paragraph, line 22.

Mr. DICKINSON of Missouri. That is all right.

The CHAIRMAN. The gentleman asks unanimous consent to modify his amendment by including the words "for three consecutive weeks," and by transposing the place where it shall be included to the end of line 22, as a new sentence. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DICKINSON of Missouri. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Missouri offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. DICKINSON of Missouri: Page 51, line 7, after the word "abandonment," strike out the period and insert a comma and insert thereafter the following: "but no new right of abandonment shall be recognized, acquired, or created under this act."

Mr. DICKINSON of Missouri. Mr. Chairman, sections 17, 18, and 19 refer to the requirement by which corporations owning railroads and operating them shall apply to the Interstate Commerce Commission before they can extend their lines, construct new lines, acquire or operate any lines or extensions thereof, and so forth. Also it requires them to make application to the Interstate Commerce Commission before they shall abandon any lines or portions of lines of railroads and for hearings after notice given, as provided in section 18. I am not sure but what these sections ought to go out of the bill, but if they remain as a part of this bill, I desire to offer three certain amendments which I have, the first of which I now offer to the bill. This relates to notice provided for in said paragraph 18. The second relates to publication in some newspaper of general circulation in each county in or through which said line is constructed or operates. Paragraph 18 reads in part:

Upon receipt of any application for such certificate the commission shall cause notice thereof to be given to and a copy filed with the railroad commission—

And so forth.

This would mean a mere notice. I have asked to insert the word "due" after the word "cause" in line 13, so that it will read "due notice," which involves the question of time. It may be while I am reasonably satisfied that due notice would be given and full opportunity probably given so that all parties in interest would have an opportunity to bring suits in injunction to restrain the abandonment of lines of railroads or any portions thereof, I feel that it would be safer to require what I have tried to insert, the words "due notice." The right is given in paragraph 19 for enjoining by any court of competent jurisdiction at suit of the United States, the commission, any commission or regulating body of the State or States affected, or any party in interest, abandonment contrary to the provisions of paragraph 17, 18, or 19 of this section. It is possible for the bill as now constructed that the mere notice after application made by the railroads seeking to abandon a line may be filed and the road may be abandoned and parties along the line of the railroad, where cities and towns have grown up and great interests are affected, that the actual notice will not come to them, and before some individual or business party in interest shall have had sufficient notice in order to bring suit or injunction the road may be abandoned, and for that reason I have offered this first amendment.

Mr. ESCH. Mr. Chairman, as I understand it, the gentleman from Missouri desires to insert the word "due" after the word "cause," in line 15. It seems to me that would be unnecessary, and if necessary I am afraid it might raise some very grave jurisdictional questions, as, for instance, what is due notice. But we cover it in the other part of the same section where we say—

The application for, and issuance of, any such certificate shall be under such rules and regulations as to hearings and other matters as the commission may from time to time prescribe.

That would involve giving notice. Not only that, but we require the commission to give notice to be filed, and file a copy of the application with the railroad commission, or the public utilities commission, or other appropriate authority, or the governor. It seems to me that as to the matter of notice we have fully taken care of the proposition without having the word "due" inserted.

Mr. DICKINSON of Missouri. Mr. Chairman, I am induced to offer these amendments by the fact that my attention was called to it particularly by reason of a condition which exists in my State and in other States where certain great railroad lines are seeking to abandon what they call weak lines. In southwest Missouri, running through my district for over 100 miles are two lines of railroads, one running from Kansas City, Mo., to Springfield, Mo., for a distance of very nearly 200 miles. Another line runs from Olathe, Kans., to Springfield, Mo., and at Olathe, Kans., it connects with the main line of the Frisco and runs into Kansas City. These two lines were once owned by a separate corporation. They very nearly parallel, touching at certain points, and are several miles distant at others, and cities and towns of from 1,000 to 1,500 inhabitants and many other towns of smaller population are built up along those lines. Very recently it was given out that the Frisco Railroad, which had acquired these two lines in violation of the law, as it is claimed, of the State of Missouri, had as its purpose to abandon one line, and probably what is known as the line running into

Kansas, or the so-called interstate line. And a great protest arose all along that line from the people living and interested in the various towns and having business interests along said road against said proposed abandonment. Now, by this bill jurisdiction is given to the Interstate Commerce Commission and the railroad authorities can come to the Interstate Commerce Commission and make application for a certificate authorizing said abandonment. And heretofore the right to authorize abandonment was not conferred upon any Federal authority by any authorized jurisdiction. This is the first appearance in any bill of any effort to confer jurisdiction for that purpose. Both of these roads are State roads incorporated under the laws of the State of Missouri. By this amendment and my second amendment I desire to give full notice so that all parties in interest shall have an opportunity to be heard and suits of injunction can be brought in abundant time to prevent abandonment. By this last amendment I do not want, if it can be so, that any new right of abandonment shall be recognized or acquired or created. As a matter of precaution I have offered this amendment.

Mr. BARKLEY. Will the gentleman yield for a question?

Mr. DICKINSON of Missouri. I will.

Mr. BARKLEY. Does the gentleman's amendment go far enough to take away from the commission the authority it has conferred upon them by this act to pass upon future applications for abandonments?

Mr. DICKINSON of Missouri. I am not sure about that. I am somewhat doubtful about it, but I do not want to give to this Interstate Commerce Commission any right, or to the railroads any right, seeking to abandon a line in which parties are interested who have built towns and villages along them, and those towns contributing large sums of money and issuing bonds—

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. DICKINSON of Missouri. Mr. Chairman, I ask unanimous consent to proceed for five minutes longer.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for five additional minutes. Is there objection?

Mr. BARKLEY. Mr. Chairman, reserving the right to object, would the gentleman object to having the amendment being again reported during his five minutes?

Mr. DICKINSON of Missouri. Let it be reported now.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again reported.

Mr. CANDLER. Will the gentleman yield for a question?

Mr. DICKINSON of Missouri. I have only a minute.

Mr. CANDLER. Just a question.

Mr. DICKINSON of Missouri. Go ahead.

Mr. CANDLER. You stated they were in the State heretofore?

Mr. DICKINSON of Missouri. Both of them incorporated under the laws of the State of Missouri.

Mr. CANDLER. And subject to the jurisdiction of the State?

Mr. DICKINSON of Missouri. Subject to the jurisdiction of the State courts, and they would not have to come to the Interstate Commerce Commission.

Mr. CANDLER. And this will take the jurisdiction away from the State and confer it upon the Interstate Commerce Commission?

Mr. DICKINSON of Missouri. It would bring it here to the Interstate Commerce Commission. I have offered this amendment as a matter of precaution, so as to safeguard, if possible, every right of the people living along the lines of this road. Millions of dollars of property would be destroyed if the road should be permitted to abandon either one of these lines, the so-called interstate line, for instance, running nearly 200 miles. Large interests are involved. It has been threatened to abandon said road running through my district, which would result in serious injury and damage to the towns and cities and communities along said road. And I am afraid that under this section, if they are once able to abandon it, after coming to the Interstate Commerce Commission for that purpose, it might be within the power of the main lines of railroads to prevent anybody else from acquiring and operating a railroad after said abandonment. I hope the amendment may prevail, which reads as follows:

But no new right of abandonment shall be recognized, acquired, or created under this act.

And I hope this amendment may prevail.

Mr. BARKLEY. Mr. Chairman, the reason why this provision was inserted in the bill was to provide that there shall be

no abandonment of roads unless subject to this act. It only applies to roads subject to the act to regulate commerce.

Mr. RAYBURN. I beg the gentleman's pardon.

Mr. BARKLEY. In subsection 17, to which this amendment is offered, in the second line, it provides it shall apply to railroads subject to the act.

Mr. RAYBURN. I offered an amendment in the committee—the reason I know the gentleman is mistaken about that is that I offered an amendment in the committee that it should not apply to a road within a State, and the amendment was voted down.

Mr. BARKLEY. There are many roads within the States subject to the act, because they have traffic arrangements and agreements for shipping out of the State.

Mr. VENABLE. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. VENABLE. Is it not a fact that there are very few roads that are not engaged in interstate commerce?

Mr. BARKLEY. Certainly; and they are subject to this act. But if there is to be any authority to put a check on abandonment by railroads subject to this act, regardless of whether or not they are built wholly within the confines of a State, it should rest with the commission. Being engaged in interstate commerce, and thereby subject to the act, that right ought to be conferred on the Interstate Commerce Commission. If the House desires to legislate to the effect that there is nevermore to be any abandonment of railroads, then the amendment of the gentleman from Missouri should be adopted, because that would be the effect of his amendment.

Mr. MACGREGOR. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. MACGREGOR. Who is to pay for the operation of railroads if they do not earn enough to keep them going?

Mr. BARKLEY. I do not know who is going to pay for it. I do not know whether anybody will or not. The object of this provision is to allow the Interstate Commerce Commission to investigate the propriety of abandonment, to investigate whether the abandonment would be in the interest of the public, and to issue a certificate of public convenience and advantage only in cases where it is shown to the commission that the railroads subject to the act or in the interest of the public shall be permitted to abandon some portion of their line. We certainly can trust the Interstate Commerce Commission to take care of the interests of the public. But if we accept the amendment of the gentleman from Missouri [Mr. DICKINSON] we accept the idea that no new right of abandonment shall be acquired under the act.

Mr. BEE. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. BEE. Does the gentleman from Kentucky think that where a road has secured the right of eminent domain, and right-of-way rights, and has built towns and villages, and homes have been built on the strength of it, they ought to be in a position to abandon, like the Frisco, because it does not pay dividends, a line that it has purchased?

Mr. BARKLEY. No; because they are being abandoned now, and nobody has the right to say they shall not be abandoned.

Mr. BEE. Have not the State commissions the right to prevent such abandonment?

Mr. BARKLEY. In some States the commissions have the right; but, taking the country at large, I do not think more than half a dozen States all together have a law concerning abandonment.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. SCOTT. If I understood the phraseology of the gentleman's amendment, I think it will accomplish just the opposite of what he intends to accomplish. It precludes the future abandonment, in any event, and instead of accomplishing the object intended, it will do the reverse.

Mr. BARKLEY. He seeks to cut off any new right of abandonment in the future. Possibly no rights of abandonment have accrued now, although rights of abandonment accrue only if the Interstate Commerce Commission, after investigation, certifies it will be in the interest of the public. If the gentleman's amendment is adopted it will accomplish the opposite purpose from what he intends.

The CHAIRMAN. All time has expired on the amendment.

Mr. SIMS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Tennessee moves to strike out the last word.

Mr. SIMS. Now, if future highway facilities in this country are to be dependent upon whether or not the investment is a profitable one, we will soon be in a junk heap. There is not a single street or road in the country or in the city that pays any-

body on the investment. The desire of private capital to run away from furnishing the country with the absolute necessities of transportation the very minute it does not pay a profit shows the absurdity of committing the interests of the whole people to the profit seekers and profiteers; and I say the gentleman's amendment is not strong enough. You should place in there a provision to the effect that if any trunk line wants to surrender its branch, let it be sold at some proper price to a corporation that will run it.

Mr. SANDERS of Louisiana. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Louisiana moves to strike out the last two words.

Mr. SANDERS of Louisiana. Mr. Chairman, the amendment offered by the gentleman from Missouri [Mr. DICKINSON] is attempting to cure an evil in this bill, but his amendment, I think, will not cure it. You might as well understand, gentlemen of the committee, that these sections—from 17 down to 21, inclusive—absolutely wipe out every State line in these United States, in so far as the control that has heretofore been exercised by State commissions is concerned. [Applause.]

Do not make any mistake, gentlemen. When my friend the gentleman from Kentucky [Mr. BARKLEY] says these paragraphs refer only to roads that come under this act, he is right. Yet every road that ever ships a carload interstate comes under this act. Therefore there is not a mile of railroad in America but what comes under these sections. Remember that. Adopt them if you want to. You can not build a mile of railroad anywhere in America without getting the consent of the Interstate Commerce Commission.

If they want to tear up a mile of road, they will no longer apply to State commissions, that understand the conditions and surroundings, but they will come away up here to Washington and get permission to do it.

Look at paragraph 21, gentlemen. It reserves to the State commissions the magnificent power of controlling spur tracks alone in the future! They have taken all the teeth out of the State commissions. They have robbed them of all their power and all their control. But, thank God, they still let them control spur tracks! Thank God, they still have the right to attend their own funeral, and the people whom they heretofore served may act as pallbearers. [Applause.]

The CHAIRMAN. All debate on the amendment of the gentleman from Missouri [Mr. DICKINSON] has expired.

Mr. CANDLER. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The Chair is of opinion that that would be an amendment in the third degree.

Mr. CANDLER. That has been withdrawn, as I understand.

The CHAIRMAN. Nobody has withdrawn a pro forma amendment.

Mr. CANDLER. Then let us vote on the amendment.

The CHAIRMAN. The Chair was about to put the question.

Mr. JONES of Texas. Mr. Chairman, I offer a substitute for the amendment of the gentleman from Missouri [Mr. DICKINSON].

The CHAIRMAN. The gentleman from Texas offers an amendment by way of substitute, which the Clerk will report.

The Clerk read as follows:

Substitute offered by Mr. JONES of Texas for the amendment offered by Mr. DICKINSON of Missouri: Page 46, line 13, strike out all of section 402.

Mr. JONES of Texas. Mr. Chairman, under section 402 of the proposed bill the Interstate Commerce Commission is given charge of all the cars in the United States, and at the same time is given the right of forbidding the extension of any railroad or the building of any new or proposed railroad. I think it is wise to strike out all of this section, leaving the car-service act just as it was enacted in May, 1917, for two reasons:

In the first place, I do not believe it is practicable for the Interstate Commerce Commission to act upon all of the requests for cars all over the United States and not get the thing mixed up.

The second reason is the fact that not a single line of railway in the United States can be extended under subsection 17 of the proposed bill without getting the authority of the Interstate Commerce Commission. That means in most of the outlying sections that they will have to go to a tremendous expense in order to get permission to construct those lines of railway.

But the principal reason that I want the section stricken out is because of the fact that under the Federal-control act that is now in force there has been a hopeless failure to allocate cars properly to the different sections of the country. For the last three months there have been millions of bushels of wheat thrashed out and piled up on the bare ground, subject to the

action of the elements and rotting for the want of cars; and at the present time, to-day, there are more than a million bushels of wheat so thrashed out and waiting for cars, and that wheat has been on the ground three months.

Mr. NEWTON of Minnesota. Is not that due, not to the failure properly to allocate cars to the country in question but to the fact that the Railroad Administration has not the cars? They have not been built.

Mr. JONES of Texas. I will state that there are certain sections that have had the cars all the time, and that is the point I am coming to. I have 53 counties in my district, a district larger than the State of Ohio. If they need a car to load with wheat in each one of those 53 counties and over in Ohio there is one point that needs 53 cars, if you have the Interstate Commerce Commission passing on where the cars shall go the man or the town in Ohio that needs the 53 cars will get all of them, because that man or that town can make a showing, but not a single county in my district can get a car, because no single county can afford to make the showing and go to the expense of making it. The far-away, outlying sections are an integral part of our great country. They furnish the bread of the Nation. They furnish the raw material that keeps the wheels of commerce turning. The winning, the building of a new country involves hardships enough without the additional burden of a trip to Washington for every constructive move with reference to transportation.

The strongest reason why this section should be stricken out is this: Before we had Federal control of railways, before we had the car-service features of the bill that is now in force, when a railway company failed to furnish a car I could go or a stockman in my district could go to the railway company and give notice that on the 20th day of this month he needed 10 railway cars, and if the railway company did not furnish them they were liable for damages, unless they could show that it was impossible to get them, and they had to make the showing. If you pass this car-service bill, let a stockman or a wheat man order cars, and if they fail to come, I do not care whether the railway company made any effort to get those cars or not, the railway company will come in with the plea that the Interstate Commerce Commission, in order to relieve a congested center somewhere, ordered the cars to be delivered elsewhere, and the railway company will go scot free.

I do not know where they got the cars before we had Federal control of the distribution of cars in my country, but I do know that we did not suffer for cars, and when we ordered cars we got them, and when they started to the market up to Kansas City or Chicago with the cattle they went there direct. If they did not, the carrier was responsible. As it is at the present time they can say they were routed over some other way and the plaintiff has no way of proving they were not. They come in and say that the cars were allocated elsewhere. Now, listen. Suppose in the congested centers of this country they need some cars, they have business of importance sufficient to justify their coming to Washington and making the showing that they need those cars. They will come, make the showing, and get them, will they not? Most assuredly they will, and down in my country the wheat will continue to rot on the ground.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONES of Texas. I ask for five minutes more.

SEVERAL MEMBERS. Vote! Vote!

The CHAIRMAN. The Chair desires to state that while the debate is proceeding it is not in order for Members to interrupt by cries of "Vote." The gentleman from Texas is preferring a request for unanimous consent which the Chair will state, namely, that he may proceed for five additional minutes. Is there objection?

There was no objection.

Mr. JONES of Texas. Now, Mr. Chairman, I am not stating a thing that I can not prove when I say that wheat is lying on the ground subject to the elements. I have the affidavits and the showing and the reports.

I have been down to the Interstate Commerce Commission time and again, and have gotten my friends on the Texas delegation from west Texas to go. Two of them made speeches here a while ago in behalf of the things that are covered by the amendment that I have offered. My colleague from Fort Worth [Mr. LANHAM] has also accompanied us repeatedly. Two thousand are needed to-day in the district that I represent, and they will send 20 or 30 a day, and think when they are loading 20 or 30 cars of wheat a day they are granting relief, and it has been exceedingly difficult to convince them otherwise, even with all the help I can get.

I do not wish to be unfair to the Railway Administration. They have labored under great difficulties. There have been

many calls. The job is too big for any man or set of men to handle from Washington. The near-by and developed centers can afford to organize and send representatives to Washington to present their claims in the strongest manner. During the busy season the Washington administration has been overwhelmed with these requests for cars. It is impossible for them to tell the needs of far-off sections, and in the mêlée these outlying sections suffer.

Right here I want to pay tribute to my good friends Frank R. Jamison, secretary of the Panhandle Plains Chamber of Commerce, and S. C. McMurtry, president of the Panhandle Grain Dealers' Association, for their valuable assistance. But for the fine efforts of these two men, we would not have had even the measure of relief we have received. They have furnished me the facts day by day and we have given the Director General no rest. Cooperating, we have by tremendous efforts secured a great number of cars. But must this agonizing process be gone through in every emergency?

The farmers down in my section have in some instances offered to sell their wheat for a dollar and a quarter a bushel and some for a dollar a bushel; they were willing to take that if they could get it off their hands.

Mr. HUDSPETH. Will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. HUDSPETH. The gentleman stated that the wheat was rotting in the fields.

Mr. JONES of Texas. Yes.

Mr. HUDSPETH. If, under this bill, you started wheat to Galveston and they rerouted it around by Chicago or New Orleans, it would rot in transit instead of rotting in the fields.

Mr. JONES of Texas. Yes; and it would shake out in transit as well. Where are you going to get any relief when they reroute the cars? Suppose they start a carload of cattle for Kansas City and they get to Fort Worth and the commission decides that the congestion is too great over a certain line of railway and they send the cars around by New Orleans or around through some other State and when they are off on a different route there is a wreck. The road over which they pass is not responsible because they did not want to haul it, perhaps, and even if they did it will bring on a fight as to who is responsible, and whether anyone is responsible. Again, the delay injures the cattle. Who will stand the loss? Or, if the diverted route and wreck should be in a fever-infested district and loss occurs, who will compensate the owner? You have that situation but there is no remedy. If you will knock out this whole section, give the people a right to demand of the railway companies that they furnish the cars, that they transport them to the market with reasonable diligence, you will get service; but as long as they can hide behind the cloak of a Federal commission—and no small shipper can afford to take the time and go to the expense of coming here to make a showing—we might just as well get in the covered wagon and leave my section of the country.

Mr. VAILE. Will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. VAILE. The gentleman is making a true and accurate statement of the conditions in his State, and also in the territory adjoining mine. But I am not advised that these sections do not give the relief that we ought to have. Can the gentleman show just how this would prevent us getting this relief?

Mr. JONES of Texas. I do not want a body in Washington to say to the people in northwest Texas, or in the gentleman's district, or anywhere else, that the cars shall be sent to some congested center and let them go without. I do not believe in that principle. I do not believe it is just or right. [Applause.] The distance and expense of coming to Washington will prevent relief to the small shipper in many instances. This is true not only in Texas but all over the Union.

Mr. KNUTSON. Will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. KNUTSON. The gentleman says that he prefers to have the law remain as it is now. He is satisfied with the present conditions.

Mr. JONES of Texas. No, sir; I want the railroads returned to the private owners, but I want the law, as far as the car service is concerned, as it was prior to the time the Federal Government took charge, so that we can hold the companies responsible for their negligent acts.

Again, the proposed section also provides that before a railway can be extended one mile, and before a single yard of new railway may be constructed, the consent of the Interstate Commerce Commission must be secured. A company may have the money to build. The community may need it. But a delegation must get on the train and come to Washington to get

permission before they can lay a rail or drive a spike. And if they refuse consent that community must continue to use wagons. Where is all of this foolishness going to end? Since when has it become wise to require the business men to come East to get permission to spend their own money? Gentlemen, this is a national question, but the Nation is interested in protecting the just rights of every locality. The finest way to do that is to leave business and different sections as untrammelled as possible. The people of my country know better than any far-off commission when they need and want to build a new transportation line or extend an old one. I have county seats that are 40 miles from the railroad. I love that country and its people, and it is one of my dreams to see new lines of railway throughout that great scope of country. But if this section of the bill remains unmodified I fear that years from now many of our county seats will still be miles from any line of railway. All we ask is that you give us a chance—a broad, big, American chance. [Applause.]

Mr. ESCH. Mr. Chairman, I rise to oppose the amendment offered by the gentleman from Texas. Texas seems to vote strong to-night in regard to the section under discussion. There was car shortage prior to 1917. The most severe car shortage in the history of the United States occurred in 1916 before the car-service act was enacted and before Federal control ever began. Car shortage is seasonal, and there never was a time when there was not danger of a car shortage during the crop-moving season. And yet it has not been found profitable for the railroads to maintain car equipment to meet the peak load and then have that equipment idle for 10 months in the year.

You had car shortage before the car-service act was enacted and before the roads went under Federal control. The reason for car shortage is the fact that since the war began the railroads have not kept up their equipment. It requires over 100,000 cars a year to meet the traffic needs. For almost four years there has been a shortage in car production, and that is one reason why there is a shortage to-day. The car-service act was largely enacted for the purpose of improving this very situation which the gentleman from Texas now complains about. That act, let me state, was not enacted until the middle of 1917, and the war was on. The act never had a chance for its life, because shortly thereafter Federal control came, and we had the car service in the hands of the Federal Railroad Administration.

This amendment to strike out this whole section means that you will take from the commission the right to give, as provided in this section, an order to the railroad company to furnish sufficient and safe equipment for its car service. Do you want to do that? Here is the power given to the commission to order a carrier to supply its patrons with cars, a power the commission did not have under the decision of the Supreme Court in 1916, when the commission tried to order the Pennsylvania Railroad to furnish tank cars. We give the commission power to demand that the company shall furnish cars to do the business. Do you want to strike that out?

Mr. JONES of Texas. Under that order they would furnish the congested centers with the cars at the expense of men in the smaller places.

Mr. ESCH. That is the fault of the Railroad Administration, and it could not be charged to the Interstate Commerce Commission. [Applause.] Do you want to strike out the section and take that power away? Do you want to strike out the provision as to the joint use of terminals? Do you want also to take away from the commission the right to give preference and to give priorities?

That is the power we had given to the Government by the priorities act of 1917 in order that commerce might move. Do you want to take from the commission that power, too, by voting for the motion of the gentleman from Texas? Surely gentlemen should not be swept from their feet because of the clamor of gentlemen from a single State. This is a bigger question than even the broad State of Texas. It is a national question. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman, I desire to make the pro forma amendment.

The CHAIRMAN. The gentleman moves to strike out the last word of the substitute and is recognized for five minutes.

Mr. CANNON. Mr. Chairman, I want to give a little experience I had to-day. Illinois has more railroads than any State in the Union except Texas. It is a great corn-growing State and a great wheat-growing State. We are better fixed year by year—or were prior to the war—to take care of our products in getting them to market. The world was not built in a day. I recollect very well in my time when corn sold at 10 to 12½ cents a bushel within 100 miles of Chicago.

I got a wire this morning from my district. The farmers gathered together at Danville, in that county, and sent me this wire: "The Railroad Administration is sending the cars west." [Laughter.] And their elevators are full. I want to say to you we are hardly ever outside of an elevator stack in Illinois. My farmers have got crops, and they want to move their corn, and it is ready to move. They need the money, and they passed a resolution, and they wired me, and I took the matter up with the powers that be here in the railroad building. Now, do you know what answer I got? They said in Nebraska, in Kansas, Oklahoma, and Texas some of them can care for their wheat better than others, but that they had wheat suffering, the wheat being damaged, rotting, and the terminals are not open. They said, "Here, you can tell your people that Galveston is the only open port just now," and these cars were being sent west, and they could not give relief. [Applause.] So I am not going to tear passion to tatters, but, understand, I have had a short-line railroad a hundred miles long that was put out of business under this. It was built by the farmers years and years ago, and they finally paid \$250,000 for it sooner than suffer it to be scrapped. They can scrap it, you know, and they were about to do it.

It was in the courts under a receiver and the stock was owned by the people there, except a few outside of the State. Well, they went to work and they have got a triweekly gas engine on that road. I tried to console them, saying, "Oh, well, we are going to have good roads and hard roads, and you will have your automobile trucks; all this, that, and the other." Here are villages all along that 100 miles. Dr. Foster had about half of it in his district and I had the other half in my district. Oh, my Texas friends, you have not all the troubles on earth. [Applause.]

Mr. ESCH. Mr. Chairman, I ask for a vote.

Mr. SIMS. Mr. Chairman, it appeared in the hearings before our committee that the Railroad Administration had built 100,000 freight cars, and they say it was only possible to get the railroads to accept, I think, about two-thirds of them. That was the purpose of the bill the other day for an equipment trust, and fully one-third are being unallocated because the railroad companies would not agree to accept them. Is not that a fact?

Mr. ESCH. They are all allocated but 10 per cent.

Mr. SIMS. They would not take the cars; they would not accept them at all and be responsible for the payment, and that is the reason, perhaps, some of the Texas railroads have not got them, because they were not willing to pay for them.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

Mr. LANHAM. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

Mr. YOUNG of North Dakota. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from North Dakota objects. The question is on the amendment offered by the gentleman—

Mr. LANHAM. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The Chair will state that motion is not now in order. It is a motion in the third degree. The question now is upon the amendment offered by the gentleman from Missouri.

Mr. JONES of Texas. Mr. Chairman, a point of order. Does not the vote come on the substitute first?

The CHAIRMAN. The vote comes on the motion of the gentleman from Missouri to add certain words to the section before the motion to strike out the section.

The question was taken, and the amendment was rejected.

Mr. STEVENSON. Mr. Chairman, I offer a perfecting amendment, which I desire to have read now.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. STEVENSON: Page 53, line 13, after the word "of," insert the words "steam railroads lying wholly within any State."

Mr. STEVENSON. Mr. Chairman, I have been very much interested in the various views and various troubles that gentlemen are airing as a result of this provision. I think we had better look just a minute to what we can do under these things. There is no question but that we can regulate interstate commerce. There is no question that in regulating interstate commerce to a certain extent we regulate State intrastate affairs, but when it comes to the determination of where an intrastate railroad shall lie, where it shall be built, or where it shall be taken away, that is not a matter of interstate commerce, and we are without power to confer upon the Interstate Commerce Com-

mission the right to say that it shall be applied here or that it shall not be applied here or that it shall be taken away.

Now, we have in this provision on page 52 that any abandonment, for instance—and that is just a correlative of any construction—any abandonment or construction must be done subsequent to the granting of the permit by the Interstate Commerce Commission, and it can not be done unless that permit is granted, and it can be done if that permit is granted regardless of the permission of any other jurisdiction. Now, let us look at it for a minute.

We have had in South Carolina a good many troubles on this line, and we have a statute on the subject. But if a company proposes to build a line of railroad across a county entirely within the State, it has to get the permission of the State in order to have the right of eminent domain to construct its road or to have a foot of land upon which to construct it, unless it is voluntarily conveyed by the citizens themselves. You will have this situation: The Interstate Commerce Commission saying to the State that "You have nothing to do with it," and yet saying to the company, "You go ahead and build," and when they go to build the State comes in and says, "You can not lay a rail; you have no corporate power; you have no right of eminent domain; you can not acquire a right of way; you can not go on a man's land and condemn his house and his home and his schoolhouses, and everything else." You are infringing here upon the constitutional right of the State that has never been delegated when you say the right to put down or take up an intrastate road is to be conferred and can be conferred upon any Federal agency, and I do not care very much what you do, because there is a tribunal over here that will correct it whenever you undertake it.

I want to tell you of our experience. We have a railroad 20 miles long there, built largely by private contributions. They built their schoolhouses, their towns, their churches, and they settled along the line and developed the country. Then it was unprofitable because the division with the great trunk lines was made so that its freight rates were not sufficient to maintain it. And then they undertook to take it up. Our folks went into court. They did not propose to leave three towns and a good many factories out in the woods 20 miles away. The railroad people named it the "Swamp Rabbit Railroad," because every time they started to take it up it would get away from them. Finally we passed a law that when a railroad company in South Carolina undertook to take up an abandoned road it became the property of South Carolina. From that time there has been nothing done with it.

Now, you take this proposition here, and it says that when they have procured the right of abandonment they can take up their roads without the permission of anybody else anywhere. I submit when you come to try that out you will find you will have great difficulty. In other words, the building of 20 miles, or 40 miles, or 100 miles of railroads within the boundaries of a State is not an interstate matter. The only interstate commerce that ever occurs is where interstate cars are transported over it, and we have the right to commit to the Interstate Commerce Commission the control of those cars and their operation and their distribution, and the rates, and all that kind of thing, but the track itself you can not control and you can not go in there and take away that which the State has the right to say belongs to the citizens of the State, and you can not overturn the law of eminent domain of any State by any such action.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I agree with what the gentleman from South Carolina [Mr. STEVENSON] has said, and I believe, as he does, that the section relating to the building of extensions and to abandonment of railroads ought not to remain in the bill. Members of the committee tell us these sections do not apply to intrastate roads, that is, to roads wholly within a State or whose business is exclusively within a State; but an intrastate road comes under the jurisdiction of the Interstate Commerce Commission if a car happens to be shipped over that road and enters interstate commerce. From that time on the road comes under the jurisdiction of the Interstate Commerce Commission. Therefore the commission, if these sections remain, can determine whether or not there can be an extension of that road and whether or not it can be abandoned. In my judgment that is a dangerous power to put into the hands of the Interstate Commerce Commission. And I feel also that it is a power that can not properly be conferred upon a Federal board, because it relates to property entirely within a State. Federal authority can be exercised over interstate commerce, over the business of the State roads as they engage in interstate commerce, but, in my judgment, there can be no Federal authority to determine whether or not a company can build or extend a road within a State, or, having

built it, whether or not the company shall be permitted or required to continue to operate it.

We have had some experience in our State with efforts on the part of railroad companies to abandon their lines, and the matter has very properly been taken up in the State courts. In our State we think we have jurisdiction of those matters, and we have proceeded to exercise jurisdiction. The legislature of our State recently passed an act relative to the abandonment of railroads. The legislature has thus assumed jurisdiction of it. The people of the State believe the legislature and the courts have jurisdiction, and I think they have. And I question the wisdom and the right of the Congress to pass a law of this kind, transferring entirely the jurisdiction of these matters to the Federal Government.

The gentleman from South Carolina [Mr. STEVENSON] has very well said that the Federal Government can exercise control over the commerce when it becomes interstate; but over the property wholly within the State, the right to build, the right to lay the tracks, the right to acquire property by eminent domain—all those rights of property are gained by State statutes, over which the Federal Government has no control whatever. It must therefore be that the State has authority to determine questions relating to extension and abandonment.

I am opposed to these sections which propose to give sole authority in these matters to the Interstate Commerce Commission.

Mr. SEARS. If the gentleman will yield, the gentleman from Wisconsin [Mr. ESCH] has just eloquently said that this is a national question and rises above a State question. Does not the gentleman fear that next November this question may be a congressional-district question when the people begin to realize we are giving up their rights?

Mr. McLAUGHLIN of Michigan. There are many questions involved in this bill that are national questions, and concerning them it is proper that the Interstate Commerce Commission should have control. But jurisdiction as to certain matters is in the States and should remain there.

Mr. ESCH. Mr. Chairman, I desire to offer a substitute to the amendment of the gentleman from South Carolina.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ESCH: Page 53, line 13, strike out lines 13, 14, 15, and 16, and insert in lieu thereof the following: "To the construction or abandonment of any line located or to be located wholly within one State or to any street car or electric inter-urban line."

The CHAIRMAN. The Clerk will report the language as it will appear when amended.

The Clerk read as follows:

The paragraph will read as amended: "The authority of the commission conferred by paragraphs 17 to 20, both inclusive, shall not extend to the construction or abandonment of any line located or to be located wholly within one State or to any street car or electric inter-urban line."

Mr. STEVENSON. Mr. Chairman, I desire to withdraw my amendment and accept that in lieu of it.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. LANHAM rose.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. LANHAM. Mr. Chairman and gentlemen of the committee, it is true that the State of Texas is very much interested in this section, but the State of Texas is very much affected by this section. Texas is larger than the 14 smallest States of the Union put together, and has more miles of railroad than any other State in the Union. But I wish to direct your attention not to something peculiar to Texas, but to that multitudinous person commonly referred to as "Jones he pays the freight." He lives in all the States of the Union, and sometimes in a state of despair. [Applause.]

Paragraph 16 of this section provides, with reference to this car service, that the Interstate Commerce Commission may designate agents to act in congested districts. Congested areas are not necessarily peculiar to any special section of our country. It provides that carriers must follow the directions given by these agents or suffer a heavy penalty.

Now, suppose a carrier abides by the directions of this agent, and suppose that, unmixed with any negligence on the part of the carrier, by diversion in the routing or for other cause initiated by such agent there arises upon a subsequent carrier some wreck or some delay, causing injury to Jones the shipper. The carrier, not being negligent, is not responsible in damages. Who is liable under the terms of this section? Is there not here a right without a remedy?

I had thought of offering an amendment that in a case of that character the carrier might be held to respond in damages if it had performed these acts under the direction of the agent,

and if otherwise it would have been liable in law, and that such carrier, if not negligent itself, might be able to recoup from the Federal Government such loss as it sustained.

But it does not seem to me upon a more mature deliberation that such a course is desirable, and I doubt the propriety of giving such a blanket authority to recover from the Federal Government—in the first place because it is a sovereign power, and in the second place because an authorization of that character might be imposed upon and judgments might be more readily rendered against the Government and upon showings less strict. But where is the remedy for Jones the shipper, under the provisions of this section, if a carrier, in obedience to one of these directions of an agent and bound to comply with those directions under pressure of a heavy penalty—where, I say, is the relief for Jones the shipper, if the carrier, through no negligence of its own, causes the loss to the shipper by obeying one of these commands of the Federal agent?

Now, gentlemen, this pertinent question will arise not only in Texas, but in every State of this Union where railway congestion is a possibility, and under the growing conditions of our country in this postwar period it is a possibility in every State. It is for you and for me to inquire what provision is contained in this section whereby there is a remedy for an infringement of this right of the shipper. For my life I can not see any, nor any possible amendment except to authorize an action against the carrier and let that carrier have the right to recoup from the Government, which, in my opinion, is a matter of very doubtful propriety.

I should like to hear from some member of this committee in order that we may be informed how relief is to come to the shipper who suffers by reason of the loss of or injury to his goods on a carrier which is not negligent by reason of that carrier's obedience to the direction of one of the Federal agents, who, "clothed with a little brief authority," and perhaps glad to exercise it, may divert the routing or otherwise initiate the trouble.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. Yes.

Mr. GREEN of Iowa. I do not think I fully understand the gentleman. How does a cause of action arise when no one is negligent? What kind of a cause of action does the gentleman refer to?

Mr. LANHAM. The initial carrier may not be negligent, but the subsequent carrier—

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. LANHAM. Mr. Chairman, I ask for one minute more, if the Chair please.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for one minute more. Is there objection?

There was no objection.

Mr. LANHAM. Now, it is clear that on a subsequent carrier an accident might result in injury to the shipper because of some direction of the Federal agent for which the carrier was not responsible. For instance, here is a line of railway that will not carry safely an engine of a certain weight. Suppose that the agent directs—for he has the authority to determine where that locomotive shall go—suppose he directs that locomotive to take this train on a certain trackage, and by reason of the unsafe condition of that trackage or by reason of it not being adapted to that weight an accident results in injury to the shipper. That fact arises by reason of the fault of the agent of the Government and not because of negligence on the part of the carrier. What remedy has the shipper under such circumstances?

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. BLANTON. Mr. Chairman, I ask to be recognized on the amendment. There has been only five minutes of debate on it.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. BLANTON. Mr. Chairman, I am in favor of the amendment offered by the gentleman from Wisconsin [Mr. Esch]. As far as it goes, it is helpful to the present situation and the future. But, as indicated already by the discussions of my colleagues from Texas [Mr. HUDSPETH, Mr. JONES, Mr. PARRISH, and Mr. LANHAM], it does not go quite far enough.

I agree with the gentleman from Wisconsin that where a question is an international one or where a question is solely a national one, a State question should not be considered. But I have noticed here frequently that when a Member of Congress gets up and preaches national issues the particular State issue called into question does not affect so very largely his particular State. I think this House is peculiarly fitted to-night to discuss

national issues. I want to compliment and commend the distinguished chairman of this Committee of the Whole, the gentleman from Massachusetts [Mr. WALSH], as being the only Chairman of a Committee of the Whole for months who has been able to keep a quorum here on the floor of the House, and he has had 300 men here for the last hour and a half. I want to compliment him. I think he is the best chairman I ever saw. [Laughter.]

The CHAIRMAN. The Chair would like to suggest to the distinguished gentleman from Texas that he is not speaking to the amendment.

Mr. BLANTON. I am not quite equal to discussing further such a momentous question, so I will get back to the amendment. When it has been shown here that a question vitally affects, so far as railroad interests are concerned, a State as big as 14 other States in this Nation, and with more miles of railroad than has any other State in this Nation, does it not become more than a local State question? There is one little city in my district, Winters, Tex., in Runnels County, which a few months ago had 25 carloads of wheat coming into that town every day, and for weeks they could not get a car. They had wheat stored in every building that was available in that little city. I labored down here with the Director General of Railroads to get cars. At that time all of the cars available must have been going to the State of my good friend the distinguished gentleman from Illinois [Mr. CANNON]. Finally I got the Director General of Railroads to take a few cars away from Illinois and a few from some other States and send them to Winters, Tex. I presume that the few the distinguished gentleman missed from Illinois made an impression upon him, because they do not often let anything get away from them in Illinois. [Laughter.] But I want to say it means a great deal to these people. It means everything to them. When fortune smiles upon them and these good people make a crop and go to the great big expense of harvesting it, they suffer great loss when they can not get cars to send it to the market, and they have to sell it for half what it is worth frequently.

Mr. DENISON. I am unable to understand—

Mr. BLANTON. Did they take some cars away from my other good friend from Illinois? [Laughter.]

Mr. DENISON. No. I am unable to understand why the gentleman should object to one national law which will enable the Interstate Commerce Commission to send cars to Texas when they need them.

Mr. BLANTON. What I want is a provision in this bill that will insure the people getting sufficient cars in my State when same are a necessity, and they are entitled to have them furnished.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment of the gentleman from Wisconsin [Mr. Esch].

Mr. DICKINSON of Missouri. I want to offer an amendment to strike out certain paragraphs.

The CHAIRMAN. That will not be in order until the amendment of the gentleman from Wisconsin [Mr. Esch] has been disposed of.

Mr. HUDSPETH. I ask unanimous consent that the amendment of the gentleman from Wisconsin be reported again.

The CHAIRMAN. The Clerk will again report the amendment of the gentleman from Wisconsin.

The Clerk read as follows:

Amendment by Mr. Esch: Page 53, line 13, strike out lines 13, 14, 15, and 16 and insert in lieu thereof the following:

"To the construction or abandonment of any line located or to be located wholly within one State or to any street car or electric interurban line."

The CHAIRMAN. The question is on the amendment of the gentleman from Wisconsin [Mr. Esch].

The amendment was agreed to.

Mr. PARRISH. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 48, beginning with line 14, strike out all of paragraphs 15 and 16 of section 402.

Mr. PARRISH. Mr. Chairman and gentlemen of the committee, I want to preface what I shall say by stating that I am opposed to Government control and ownership of railroads and am strictly in favor of the speedy return of the railroads to their owners, and if that were the issue in the consideration of this bill, I would be willing to sacrifice the public interest very greatly in order to insure the speedy termination of Federal control. Fortunately, however, that is not the issue. Under the law that created and made possible Government control, the roads will have to go back to their owners without further legis-

lation, and President Wilson has notified Congress and the public that whether any legislation is passed or not he expects to return the roads to their owners on or before the 1st day of January, 1920, and Director General Hines has already served notice on the owners of the railroads to get ready to assume control in conjunction with the Government by December 1 of this year, in order that they may be sufficiently in touch with the management of the roads that Government control may be released on the date set by the President, and whether this bill is passed or not the roads are going back to their owners.

However, Mr. Chairman, I would like to support this bill if it should go through the committee in such shape as to permit me to do so conscientiously, but unless some material amendments are added I shall never support the bill. As now drawn, the bill guarantees the roads for a period of six months an average earning covering three of the most prosperous years in the history of railroad management, and this alone will call upon the Public Treasury to appropriate many millions of dollars in order to meet this guaranty. Not only that, but the balance that will be due the Government by the railroads for permanent improvements after deducting what is due the railroads for operation charges during Government control, amounting to millions of dollars, will not under this bill have to be paid for a long time in the future and the roads will not be required to give security such as an ordinary business concern would demand, and in this way the Public Treasury must yield up a further large sum of money, which the taxpayers will have to pay.

In addition to the operating expenses which the Government will be authorized under this bill to advance to the railroads, the Government, if the roads demand it, must make a further loan of \$250,000,000, and this, too, without the security that would be required of an ordinary business concern, and I think, Mr. Chairman, it is conservative to say that under this bill, by reason of the provisions above pointed out and other provisions contained therein, it will call upon the Public Treasury to the extent of at least another billion dollars. Already the railroads have cost the Government, by reason of the experience of Government control, approximately \$1,800,000,000, and I am absolutely unwilling to burden the Public Treasury at this critical time with a further appropriation or burden which will amount, in all probability, to at least another billion dollars.

I am aware of the fact that the proponents of this measure contend that we ought to make the railroads whole because during the war the Government sold bonds and therefore the railroads could not sell bonds and that in many other respects the railroads were deprived of making a profit upon their investment. In this connection may I not say that the railroad owners are not and should not be a privileged class, and there is no reason why they should be guaranteed complete returns from their investments while men in every other business, industry, or profession throughout the entire United States have by reason of the war been forced to take losses in their respective avocations. If it should be contended that the Federal Treasury ought now to appropriate \$250,000,000 to be loaned to the farmers and producers of the country in order to enable them to overcome the disadvantages they encountered during the war, I am sure you would find men throwing up their hands in holy horror and denouncing such procedure as socialistic and class legislation, and yet they insist that we should not only guarantee the railroads' earnings for six months, but that we should not require them to pay back what they owe us at this time; that further they should be permitted to call upon us for our guaranty before the expiration of the six months; and that on top of all this we should be compelled to make them a loan of \$250,000,000, and the taxes that will result from such provisions as this will still further add to the burdens of our people.

Not only is the above true, but there is no provision made for decreasing the present high rates that have prevailed during Government control. In fact, under the guaranty section incorporated in this bill there is a suggestion from Congress to the Interstate Commerce Commission that it increase the rates if a demand therefor should be made by the railroads within the time specified. In other words, not only are we confronted with the certainty that the Public Treasury will have to loose for the time being at least another billion dollars, but the public generally will be compelled to have its burden added to the matter of increased freight and passenger rates. Do not misunderstand me; I am not opposed to giving the railroads a square deal, but I am opposed to giving them everything they could wish and let the burden fall upon the already overtaxed people and the public generally. I believe there ought to be some protection or guaranty for the rights of the public in this bill, and I shall insist upon nothing less before I cast a vote for it.

Again, paragraphs 15 and 16 of section 402, known as the car-service section, in effect continues Government supervision and direction of the cars and traffic generally even under private ownership and control. In other words, these paragraphs give to the Interstate Commerce Commission the absolute regulation and control of the routing of cars in the event of a congestion in any section of the country. Thus we again break down State lines and force our people to continue their march to Washington in order to get relief from congested conditions of freight and traffic wherever they may be found. This is intensely objectionable to our State for the reason that the people are tired of running to Washington every time they desire to ship a car of cattle, car of corn, car of wheat, or car of other commodities. It has been the earnest hope and prayer of the people of my State that when the railroads were returned to their owners—and I wish they were going to be returned to-morrow—they would be through with running to Washington to get orders every time they wanted to make a shipment of freight. [Applause.]

We want somewhere along the line to stop Federal supervision of the railroads of this Nation but in the adoption of this bill, if you do adopt it, you absolutely create in the Interstate Commerce Commission Federal supervision and control and thus put the public and shippers generally to a tremendous disadvantage. You will make it necessary for the Interstate Commerce Commission to place into the field possibly a thousand or two thousand employees scattered throughout the country, whose duty it shall be to direct the movement of cars irrespective of the wishes of the shippers and irrespective of the orders of the various State railway commissions.

Let me illustrate to you what will happen, and you will pardon me if I make the illustration applicable to my own district. I live in a section where great numbers of cattle are produced, and in the years past we have been in the habit of shipping to Kansas City, St. Louis, and Chicago. If paragraphs 15 and 16 remain in the bill, and we should route a car of cattle from Henrietta, Tex., my home town, to Kansas City, Kans., over the Missouri, Kansas & Texas Railway, and after the routing had been made and the contract signed, for some reason or another an agent of the Interstate Commerce Commission should decide that there was a congestion over the "Katy" and somewhere en route should transfer the cattle from the "Katy" to the Texas & Pacific or some other road, and the cattle, after having made a long and circuitous journey, should finally arrive in Kansas City two or three days behind schedule time, with a shrinkage of a hundred pounds per head and a loss to the shipper of not less than \$10 or \$15 per head, who is going to be responsible to the shipper for the damages in a case of that kind? The railroad company, if sued for the loss, will go into the courthouse and successfully defend the suit by saying that it was not responsible for the change in routing; that under penalty of severe fine it had to follow the instructions of the agent of the Interstate Commerce Commission; and thus the railroad would be released of all responsibility. The Interstate Commerce Commission in such a case would be an arm of the Government and not subject to suit, and thus the shipper would be forced to take the loss and suffer the consequences.

Mr. LANHAM. Will the gentleman yield?

Mr. PARRISH. I will.

Mr. LANHAM. I would like to inquire if it is the purpose of the gentleman to offer an amendment to effect a cure of that defect in the law? It is my purpose to do so, but I do not want to duplicate the efforts of the gentleman if he contemplates offering such an amendment.

Mr. PARRISH. In reply to the gentleman I will state that I am now offering an amendment to strike out paragraphs 15 and 16 in toto, but I have not offered an amendment such as is suggested by the gentleman from Texas [Mr. LANHAM].

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. PARRISH. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. PARRISH. Under the conditions I was just stating there would be a loss of \$10 to \$15 per head on the cattle shipped, and no one would be responsible to the shipper. Is this fair to the public? Is this fair to the shipper, and must the people of this country be further taxed in order to sustain a system that would permit such injustice and inequities as this? I for one answer no. If you carry these paragraphs into the bill you will make it possible for the railroads of the country to avoid in a large measure damages for delay in shipment, because when they see they are going to fall behind it would be very easy to

consult an agent of the Interstate Commerce Commission, get a new routing on account of congestion, relieve themselves, and throw the burden on the shipper.

Let me further illustrate the unjustness of this law. Suppose a Texas farmer should ship a car of tomatoes from some point south of Dallas on the Missouri, Kansas & Texas Railway, and in the nature of things this car ought to be iced, suppose when the car gets to Dallas the agent of the Interstate Commerce Commission should, either upon its own motion or at the request of the railway company, declare that there was a congestion ahead on the "Katy" and the car of tomatoes should be routed over another line, on which there was no ice for refrigeration, and the car of tomatoes should spoil before reaching its destination, who would be responsible to the shipper for this damage? No one. He would have to bear the loss alone; and illustrations of this kind can be multiplied, and in my candid judgment—I speak with great earnestness—conclusively show that the shippers under this bill will have very little protection. Not only will the shipper be forced to receive his orders from Washington, but the orders when so received leave him without protection in the event of loss or damage. Unquestionably the provisions of this bill will work a great injustice on the shippers and deny them the rights they are justly entitled to at the hands of our Government, and Congress should not countenance the passage of such an act as this.

Mr. STEENERSON. Will the gentleman yield?

Mr. PARRISH. I can not yield.

This bill does not go far enough toward protecting the public and shippers; I believe there are certain rights the public has, such as the farmers, the toilers, the shippers, the men who produce and who do not come around the Capitol lobbying day in and day out, and who must be protected by their Representatives in Congress, because we are their chosen protectors, and if we fail them at this time we are not true to their interests. [Applause.]

The amendment that I offer strikes out paragraphs 15 and 16 of the section and would leave the law with reference to the control of traffic the same as it was before the Government took charge of the railroads, and prior to Government control, under the orders of the State railway commission and laws of our State we had absolutely no trouble in the matter of routing and handling of freight.

Paragraphs 15 and 16 are further objectionable because they place a distinct burden upon the growing and progressive sections of the United States and greatly handicap every industry by compelling them to continuously come to Washington to consult the Interstate Commerce Commission as to how they should route their freight. Under the provisions of the Esch bill that is what they will have to do, and while it is stated by the chairman of the committee, Mr. Esch, we are dealing with a national question, yet I wish to emphasize here and now that the American people from one end of the United States to the other are tired of Federal interference in the management of everyday affairs; they are tired of coming to Washington every time they want to ship a car of freight or undertake a business transaction. I believe the overwhelming sentiment of the American people at this time is not, as some of you gentlemen seem to believe, "On to Washington, on to Washington, on to Washington," but it is "Back to the people, back to the people, back to the people," and let the people manage their own affairs without too much interference from Congress or the Government. The sections far removed from Washington that are growing and progressing rapidly will be the sections most affected by the provisions of this bill, because it is there that congestions will more likely occur and they will be forced to communicate with Washington, 2,000 miles away, to get their orders.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. PARRISH. I am sorry I have not the time.

Unless you strike out these two paragraphs you are hamstringing, if I may borrow the words of the distinguished chairman of the committee, the progressive and growing sections of the United States and materially retarding their progress. [Applause.]

This bill is further objectionable because of section No. 407, which authorizes the Interstate Commerce Commission to set at naught the antitrust laws of the several States and of the United States and permit mergers and combines heretofore condemned by the State and national laws. The effect of this is to wipe out the splendid antitrust laws that Texas has had for many years and permits the Interstate Commerce Commission, an administrative branch of the Government, to nullify and render ineffective the judgments, decrees, laws, and constitutions of the several States of the Union. In my judgment, this is a very dangerous provision, one that is inimicable to the best interests of the American people and fraught with many dangers.

Section 415 of the bill seeks not only to put into effect but to broaden the decision in the Shreveport rate case and gives to the Interstate Commerce Commission power and authority to strike down every rate that the railroad commissions of the several States may make. To be specific, it seems to me that it is violative of Article IV of the Constitution and allows the Interstate Commerce Commission, a purely administrative branch of the Government, full authority to override the laws of any State or the decisions or orders of any State authority and to sweep them aside. I have offered an amendment to this section, wherein I seek to strike out all of the paragraph after the word "unlawful," on page 63, in line 16, and to have inserted the following:

Provided, however, That full faith and credit shall be given all rates, laws, and regulations made by any State or its agencies or under its authority, and the findings of the Interstate Commerce Commission shall have the effect only of authorizing the complaining party to institute suit in the proper court for the annulment of any such State rate, law, or regulation under the general law.

If you will adopt the amendment I offer, it will have the effect to save to the State railroad commissions some authority at least in the matter of making rates, especially as to intrastate shipments.

The bill as a whole is further objectionable because it vests in the Interstate Commerce Commission the absolute authority to grant permits to remove tracks or to build new roads and takes away from the State commissions jurisdiction in such matters. This, in effect, will mean that in Washington authority will be lodged which will require that all those who desire to extend a road must present their case at Washington, and if perchance a road should, according to the orders of the Interstate Commerce Commission, become undesirable, this commission would have absolute authority to take up the road, regardless of any law or decision of the State in which the property was situated, and this is a further blow at the power and jurisdiction of the several States, and is a radical change from the existing laws and further tends to centralize in Washington matters that should be left to the States and to local tribunals for solution according to their own needs and about which the Interstate Commerce Commission by reason of the very circumstances can know so little.

Then, too, the bill is objectionable because it destroys in effect the stock and bond laws of the States and puts this matter entirely in the hands of the Interstate Commerce Commission, whether the property in question be intra or inter state, and this provision strikes down the laws of the State of Texas, which we have been building and perfecting for many years, and which have reached that stage of perfection which appeals strongly to the pride of every Texas citizen.

In fact, Mr. Chairman, I might say, in conclusion, that this bill is so intensely objectionable in its many features, especially to the interests of the great State of Texas, that I can not lend it my support; I will not be a party to a bill that pays so little heed to the interests of the public; that wipes out the laws of the State and destroys the authority of the railroad commissions, and permits the Interstate Commerce Commission, purely an administrative office, to strike down the laws, decisions, and decrees of the courts of our State, and to wipe out the power and authority of the State railroad commission of my State which since the days of John H. Reagan has done incalculable service to our citizens. For these and many other reasons I shall not support this bill unless it is materially amended, and since I see no prospect of its being so amended I have no alternative except to vote against the bill, and if the majority should force its passage and it should go into conference, I sincerely hope and trust that it will come out of the conference in such a form that I can lend it my support.

Texas is an empire of boundless possibilities, a domain rich and fertile with all that can add to our national greatness and wealth, and in recent years, due to the discoveries of oil, gas, and coal, and the productivity of her soil and the ingenuity of her people, she has seen marvelous development and prosperity, and is growing by leaps and bounds. If the railroads could be returned to their owners under laws that would safeguard the public, it would add materially to our progress and development, but in making this change we do not want to sacrifice, and I for one am unwilling to sacrifice, the principles, laws, and judgments of our courts and the authority of our State railroad commission which have so largely contributed to the progress and development we have enjoyed. I seek, above all things, to give equal justice and opportunity to all men in every station of life, and especially to the producers who by labor and toil create the things which must sustain the Nation, and therefore I decline to support a measure that does not protect fully the rights of everyone and give to all equal opportunity.

Mr. JOHNSON of Washington and Mr. JONES of Texas asked leave to extend their remarks.

Mr. MADDEN. I object to all requests of extension of remarks.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. PARRISH].

The question was taken; and on a division (demanded by Mr. PARRISH) there were—ayes 68, noes 141.

So the amendment was rejected.

Mr. DICKINSON of Missouri. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Strike out all of paragraphs 17, 18, 19, 20, and 21 of section 402.

Mr. DICKINSON of Missouri. Mr. Chairman, these paragraphs relate to that part of the section that refers to the extension of the abandonment of lines of railroad. I was entirely friendly to the amendment that took jurisdiction from the Interstate Commerce Commission as to the railroads entirely within the State. But I want to call attention to a railroad as an illustration. There is one railroad running from Kansas City to Springfield, very nearly 200 miles in length, entirely within the State. Another railroad, that runs from Olathe, Kans., to Springfield, Mo., a distance of 180 miles of it in the State of Missouri and 10 miles of it in the State of Kansas. Both roads are what you call Missouri roads, incorporated in Missouri, and the same reason exists, outside of the fact that this second road may be called an interstate road because a few miles of it is in another State—I say the same reason exists for both roads. There is no real reason why the Interstate Commerce Commission should be given jurisdiction to permit abandonment of the second road, with nineteen-twentieths of its length in Missouri, and not given jurisdiction over the other road, which is entirely within the State. My contention is that the Interstate Commerce Commission has no right, has no jurisdiction, and that there ought to be no attempt to confer jurisdiction on the committee to permit abandonment of the right of way and track of this railroad and destroy the railroad incorporated in the State of Missouri, the franchise given to it by the State of Missouri, where millions of dollars' worth of property will be destroyed by the abandonment of the road, as far as the people are concerned, while the second road is in the same condition but has the road entirely in one State. I ask that these sections may be stricken out.

Mr. MOONEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOONEY. If the amendment of the gentleman from Missouri [Mr. DICKINSON] does not carry, will I be permitted to offer an amendment to strike out a portion of the paragraph?

The CHAIRMAN. The Chair thinks that would be a perfecting amendment. The question is on the amendment offered by the gentleman from Missouri [Mr. DICKINSON].

The question was taken; and on a division (demanded by Mr. DICKINSON) there were—ayes 52, noes 73.

So the amendment was rejected.

Mr. HOWARD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 49, line 2, after the word "ownership" insert the words "as between carriers."

Mr. ESCH. Mr. Chairman, I accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The amendment was agreed to.

Mr. SMALL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. SMALL: Page 51, line 7, strike out period and insert a colon and add the words "Provided, That any carrier by railroad having failed to obtain a certificate permitting abandonment of all or any part of its line of railroad may have the action or decision of the commission reviewed and adjudicated by a court of competent jurisdiction."

Mr. DENISON. Mr. Chairman, I reserve a point of order to the amendment.

Mr. SMALL. Mr. Chairman, the latter part of that section 51 contains this language.

Mr. MADDEN. Mr. Chairman, I make the point of order against the amendment.

Mr. SMALL. I would like to be heard on the point of order, if the Chair desires to hear me, and I submit that we are entitled to know what the point of order is.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. MADDEN. The point of order is that it is not germane to the section or any subsection of the bill under consideration.

Mr. SMALL. Mr. Chairman, there is a provision here to the effect that no carrier by railroad subject to this act shall abandon any part of its line until it shall have obtained a certificate to that effect from the Interstate Commerce Commission.

This is a provision in which the question of property rights is involved. No interstate commerce commission with its power could compel any line of railroad to operate indefinitely at a loss. The operation of a railroad either requires money or credit, and this simply provides for the adjudication of the question in a court of competent jurisdiction.

The CHAIRMAN. Does the gentleman from Illinois care to be heard on the point?

Mr. MADDEN. No; I think I have stated it.

The CHAIRMAN. The Chair would state this provides that certain action of the commission in issuing a certificate in reference to the abandonment of roads constructed in a State or States shall be reviewed or may be reviewed by courts of competent jurisdiction. The Chair thinks that is a matter of proper legislation and condition to be attached to a paragraph providing how these certificates shall be issued, and overrules the point of order.

Mr. ESCH. Will the gentleman yield?

Mr. SMALL. I do.

Mr. ESCH. What would be a court of competent jurisdiction?

Mr. SMALL. Well, I might say a Federal court, because that in a manner is interstate, but I submit the words "court of competent jurisdiction" are sufficiently general to enable the parties, the railroad aggrieved, to select its own court. There will certainly be a court—

Mr. ESCH. Is it the gentleman's purpose to give to the court the right to mandamus a commission in the exercise of a discretionary power?

Mr. SMALL. To enjoin the commission, if necessary. But may I endeavor to make myself plain for the moment? This latter part of paragraph 17 says that no carrier by railroad subject to this act shall abandon any part of its road except by the consent of the Interstate Commerce Commission evidenced by its certificate. That involves the question of property rights. As I said a moment ago, the railroads to be operated must have revenue or credit, or both, and if it is proved it is not afforded sufficient revenue to pay its operating expenses the Interstate Commerce Commission is without power to compel it to do so. And this committee with such a provision as that in the bill would run the risk of having it declared invalid. Property rights being involved, the carrier railroad would have a plain right to have its contentions adjudicated in a court of competent jurisdiction. I was under the impression that the chairman of the committee would accept the amendment without question.

Mr. DICKINSON of Missouri. Will the gentleman yield?

Mr. SMALL. I will yield.

Mr. DICKINSON of Missouri. As I understand the gentleman from North Carolina, he takes the position that the railroad—

Mr. SMALL. Just for a question.

Mr. DICKINSON of Missouri. That the railroad is entitled to have this matter adjudicated in a Federal court, and that a court of competent jurisdiction means a Federal court. But what does the gentleman say to the fact that where the road is incorporated, say, within the State of Missouri and a citizen of Missouri, and property rights of the individual along the line is also a citizen of the State of Missouri, would not the State court have jurisdiction?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMALL. I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection?

Mr. MADDEN. Mr. Chairman, I object.

Mr. DENISON. Mr. Chairman, I rise to oppose the amendment. I think it is subject to the point of order. The jurisdiction of the United States courts are defined by statutes of law, and they have no jurisdiction in any case unless it is expressly given to them by act of Congress. Now, this amendment offered by the gentleman from North Carolina says "by a court of competent jurisdiction," without saying what court that may be, and therefore it is meaningless, and I hope the committee will not even give it serious consideration but vote it down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The question was taken, and the amendment was rejected.

Mr. DEMPSEY. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 53, after line 16, insert a new paragraph, to be numbered "22."

"It shall be unlawful for any common carrier which now is or within one year prior to the passage of this act has been engaged in the transportation of natural gas, alone or with other such carrier or carriers, from one State or Territory of the United States to a city or incorporated village, or the inhabitants thereof, located in any other

State or Territory of the United States (under a franchise granted by said city or incorporated village), to refuse or fail to supply natural gas to said city or incorporated village without first applying to and obtaining the consent of the commission, after a hearing on the merits, the said city or incorporated village having opportunity to be heard. The commission shall have power to order said common carrier to continue such service to said city or incorporated village if, in the discretion of the commission, the facts found at the said hearing warrant such relief. Any common carrier engaged in the transportation of natural gas subject to this act which refuses to comply with an order of the commission made in pursuance of this paragraph shall be liable to a penalty of \$1,000 for each day during which said refusal or neglect continues, which shall accrue to the United States and may be recovered in a civil action brought by the United States. Nothing herein contained shall deprive the rate-fixing power of the State or Territory wherein such gas is used of any right or authority vested in it to fix the selling price of such gas."

Mr. DENISON. Mr. Chairman, I reserve a point of order.

Mr. MADDEN. I make it, if no one else makes it.

The CHAIRMAN. What is the point of order?

Mr. DENISON. The point of order is it is not germane to this part of the bill or the bill itself, as far as that is concerned. This amendment provides for regulating the selling price, and so forth, of a commodity which is not at all within the jurisdiction of the Interstate Commerce Commission, and the Interstate Commerce Commission has no control over such matters.

The CHAIRMAN. Does the gentleman from New York desire to be heard upon the matter?

Mr. DEMPSEY. I will consent to strike out the last paragraph of the proposed amendment. I offer the amendment with the last paragraph stricken out.

The CHAIRMAN. The gentleman modifies his amendment by striking out the last paragraph. Is there objection?

Mr. DEMPSEY. Now, I do not see, with that paragraph, if the Chairman please, stricken out—

The CHAIRMAN. Is there objection to modifying the amendment?

Mr. MADDEN. I object, Mr. Chairman.

Mr. DEMPSEY. I offer the amendment as it was originally offered, with the last paragraph stricken out.

Mr. MADDEN. Mr. Chairman, I object.

Mr. DEMPSEY. Well, I offer it.

The CHAIRMAN. Does the gentleman care to be heard on the point of order?

Mr. DEMPSEY. Yes; I would like to be heard on the point of order.

This does not attempt to fix or place in the power of the commission the fixing of rates. It says in the concluding paragraph that nothing contained in this amendment shall deprive any State rate-fixing commission of any power or authority which they have to fix rates. In that respect only does it deal with the rate-fixing power. The provision in a general way is this: That any company which conveys natural gas over a State line shall not shut off its supply of gas until it has obtained the authority of the Interstate Commerce Commission to do so, and that it shall do so then only after a hearing upon the merits. It does not involve at all the question of rate making—the question of what rate shall be fixed. The question we have is whether a public corporation shall supply a commodity which it is required to supply, and it shall not shut off the supply until it has had this hearing.

The CHAIRMAN. The Chair is ready to rule.

The proposed amendment of the gentleman from New York [Mr. DEMPSEY] deals with a commodity commonly known as natural gas, and attempts to provide certain statute regulations in reference to its transportation in interstate commerce. It is offered to an amendment to a section of the bill known as section 402, applying to car service. The Chair is of the opinion that the proposed amendment is not germane to the section of the bill to which it is offered, and therefore sustains the point of order.

The question now is on the motion of the—

Mr. MOONEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MOONEY: Page 50, line 17, after the word "shall," strike out all the balance of page 50, and on page 51 strike out all of line 1 and of line 2 up to and including the word "shall."

Mr. MOONEY. Mr. Chairman and gentlemen, this amendment is one of a series of amendments which, if adopted, will take from this bill the right of the Interstate Commerce Commission to pass upon the extension of existing railroad lines and the acquiring of new lines.

I suppose there has not come up before this House any question that has received so much individual attention from each of the Members as this return-of-railroads bill. There exist as many shades of opinion all the way through as there are Members. And I am wondering if there are not a good

many other gentlemen here who are in the position that I occupy and do not want to occupy.

I have read most of the proposals of the interested parties; I have read the testimony before the committee and the committee hearings. I was present the other day when the chairman made his presentation, and however long it may be my honor to remain a Member of this House I never expect to hear a more frank, more earnest, more logical, or more able explanation than that was. And yet, in spite of that fact, there are parts of this bill that I do not understand, and there are parts of which I am afraid.

It seems to me too bad that in a piece of legislation so absolutely important to all of us so little time is to be given to the consideration of the bill itself. I think there never has been a time when the adage "To make haste slowly" meant more than now. Some of the provisions I do not understand. It seems to me this provision I do understand and fear—the certificate of necessity.

This is no new thought. It has been the big weapon of the public-service corporation for a long, long time. It seems to me there never has been an excuse for it in other legislation, and that at this time it would not only be bad but it would establish a very dangerous precedent. I can understand how the parties who are interested would want it, because it could have no other effect than to delay the extension or the improvement of present railroads and prevent projection of new lines. I do not understand how anyone except the owner of railroad securities can favor it. I can see no possible way in which it can benefit the people as a whole.

Now, I listened to the general debate on this bill with a very great deal of satisfaction. I heard the gentlemen talk about the wonderful development of our railroads in this country. I agree with them, particularly with the gentleman from Illinois and the gentleman from Indiana, who said that we must do nothing in this legislation that would hamper the railroads. I do not want to hamper the roads. Quite the contrary. I want to see them expand and I want to see additions. And it is my contention that at the very best this would delay them. I wonder how much we would have to boast about if the certificate of necessity had always been a part of our railroad legislation. I can see the conservative gentlemen on this commission raise their hands in holy horror when a transcontinental railway was proposed, and I can imagine how, after exhaustive hearings, the commission would be about ready at this time to rule that a second railroad between New York and Chicago is necessary. Business prudence upon the part of the railroads, particularly now that the Interstate Commerce Commission has control of the issuance of stocks and bonds, will see to it that no useless additions are made. If we can not trust that part to the management, then, gentlemen, it is unsafe to give the management of the railroads back to private enterprise.

Mr. DENISON. Will the gentleman yield?

Mr. MOONEY. I will be very glad to do so.

Mr. DENISON. I will answer the gentleman's question if I can. He has asked a very pertinent one. Does the gentleman think the logical power that grants the right of way whether the road shall issue security or not ought to be the same power to say whether or not it shall extend its lines?

The CHAIRMAN. The time of the gentleman from Ohio [Mr. MOONEY] has expired.

The question is on the amendment offered by the gentleman from Ohio.

Mr. MOONEY. Mr. Chairman, I ask for two minutes' additional time.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for two additional minutes.

Mr. LAYTON. I ask unanimous consent that the gentleman from Ohio have five additional minutes.

The CHAIRMAN. The gentleman from Delaware asks that the gentleman from Ohio may be permitted to proceed for five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. At this late hour I think I will have to object to any further extension.

Mr. LAYTON. If that is the case, I move that we adjourn.

The CHAIRMAN. That motion is not in order. The Chair thinks the Chair had announced that there was no objection, and had recognized the gentleman from Ohio [Mr. MOONEY] for five additional minutes.

Mr. MADDEN. I object, Mr. Chairman.

The CHAIRMAN. The Chair thinks that prior to the rising of the gentleman from Illinois to object the Chair had stated that there was no objection.

Mr. MADDEN. I objected before the Chair made the statement.

The CHAIRMAN. Oh, no.

Mr. MADDEN. If it is a question of veracity between the Chair and "the gentleman from Illinois," I maintain that I made the objection. Of course, the Chair can rule.

The CHAIRMAN. The gentleman from Ohio will proceed.

Mr. MOONEY. Mr. Chairman, in answer to the gentleman from Illinois [Mr. DENISON], I want to state that in my judgment the business interests in my district in Cleveland and the competing interests of the railroads there are in a better position to pass upon the necessity of extensions of railroads than any board in Washington could possibly be. [Applause.]

I want to say further that this bill has given to the Interstate Commerce Commission more power, in my judgment, than is possessed by any governmental agency except, perhaps, the Supreme Court of the United States. I make no criticism of the Interstate Commerce Commission. It is my judgment that their work up to this time has been well done. I have no doubt that to the very fullest measure of their ability the additional duties and responsibilities imposed upon them by this bill, if it becomes a law, will be performed by them; but I do say that the relationship of the railroads is more intimate with the neighborhood which it serves. Since they are unable to issue bonds and stocks without permission, and since in that way the Interstate Commerce Commission can prohibit improper financing, and therefore, inasmuch as it is not necessary that the Interstate Commerce Commission pass upon these extensions for the purpose of protecting the public, they are better off without having to come to Washington upon it.

Mr. DENISON. Mr. Chairman, will the gentleman yield again?

Mr. MOONEY. Yes.

Mr. DENISON. Of course the gentleman knows that the extensions of all railroads are made by the issuance of securities.

Mr. JONES of Texas. Not necessarily so, if they have the cash.

Mr. DENISON. How are they made?

Mr. SANDERS of Louisiana. They make them if they have the funds.

Mr. MOONEY. Further than that, Mr. Chairman, I want to say, and with the very greatest respect to the chairman of the committee, that, if my judgment is correct, because of his amendment to section 21, under this bill railroads engaged in interstate commerce may not have the right to make sidetrack extensions or the extension of a spur without permission of the Interstate Commerce Commission. I am very much afraid that is true under the amendment just adopted.

Mr. ESCH. No. I think the gentleman misconstrues that language. The language in the original section 21 did refer to the construction of spurs and sidings, and so on, but we eliminated those because we put in broader language—"all railroads and interurban lines," which, of course, includes spurs and sidetracks and things of that kind.

Mr. MOONEY. I did not understand that the intention was there. I am fearful that you have really given an additional power and authority which even you had not intended to give.

In conclusion, Mr. Chairman, I want to say—and I am absolutely sincere and honest in this statement that my purpose is the same as yours—I want the owners of the railroads to receive a fair return on their investment, but I do not believe that there is anything particularly sacred about a railroad investment. I do not think there is any national necessity that the transportation facilities of the country be controlled by the people who now control them or the stockholders that now control them. [Applause.] I see no more justice in this requirement of certificate than if a certificate of necessity is required before a new company engage in competition with the American Steel & Wire Co., in my city, or before some independent group of capitalists can compete with any large enterprises.

Mr. Chairman, I was interrupted in the middle of a thought. I would like to extend my remarks.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks. Is there objection?

Mr. MADDEN. I object.

The CHAIRMAN. The gentleman from Illinois objects. The gentleman from Nebraska [Mr. JEFFERIS] is recognized.

Mr. JEFFERIS. Mr. Chairman, I want to add my support to the amendment of the gentleman from Ohio [Mr. MOONEY]. When we see what has been accomplished in this country by the initiative of the railroads in extending their lines, thus opening up new parts in our country, we should go slow here in putting on the brakes.

If Daniel Webster had been on the Interstate Commerce Commission some years ago when he referred to the great West as

"a desert," I do not suppose that any railroad would have ever crossed the plains of this great country. But there were men having foresight to see the possibilities and the nerve to risk their funds and their energy in building the railroads of the western and southwestern portions of this country, and because of that fact we have opened up the great grain-producing sections of this country and the great timber interests of this country, and it seems to me now that if we adopt this provision, as proposed in the bill, it will then be up to all of the railroads that are established to use their influence, to use all of the power that they possess before the Interstate Commerce Commission, to oppose the building of any new roads in any section of this country.

I know that in our own section of the State of Nebraska and in the State of South Dakota to the north of us there has been effort and there is now a purpose to build a new railroad which will open up a great territory and give access to a number of people who are situated a long distance away from railroads. And yet if they come here before the Interstate Commerce Commission I know at least there will be two railroads that are now getting that business, but which are compelling the people to haul produce for a long distance in order to reach the railroad, which will use all of their influence to oppose the granting of this permission.

Mr. HAMILTON. Mr. Chairman, will the gentleman yield?

Mr. JEFFERIS. Yes.

Mr. HAMILTON. I wanted to ask the gentleman whether this new railroad to which he refers will not be convenient for the public and will not be necessary for the public?

Mr. JEFFERIS. There are two railroads there now, but they do not reach all of the people.

Mr. HAMILTON. Then this new railroad would add to the convenience of the people?

Mr. JEFFERIS. Yes. What I am saying is this: That you will come here to Washington to undertake to convince the Interstate Commerce Commission that a new road is not only feasible but desirable, and that there is business there for it, and immediately those roads that are now getting that business, which are compelling the farmers and others to haul their grain and their products a great number of miles to the station, will be using all their influence with the Interstate Commerce Commission to oppose the granting of permission to build that road. [Applause.]

It seems to me that this Congress should legislate in favor of optimism, in favor of opening up new territory, rather than putting a brake on it and making it necessary for anybody who wants to organize a new railroad to go to all this trouble before they can use their own money and enter into an enterprise to open up a new territory to give service to the people who are now a long distance from the railroads. [Applause.]

The CHAIRMAN. The time of the gentleman from Nebraska has expired. All time has expired.

Mr. ESCH. Mr. Chairman, I move to strike out the last word. In view of the adoption of the amendment which I offered to lines 13, 14, 15, and 16, on page 53, which would take from the Interstate Commerce Commission the power over extensions of lines built or to be built wholly within a State, it seems to me that the objections made by gentlemen do not longer obtain. It is but right that interstate construction should be in the hands of Federal authority. If not, you would have conflicting State jurisdictions. This is not a new matter. There are a number of States that will not permit the extension of lines without securing a certificate of convenience and necessity. Great States like New York have such power, and the effect has been salutary in that it prevented the construction of parallel lines, thus preventing two weak lines where one strong line would serve the public. It has also prevented the construction of weak lines that make a burden on the people. It seems to me, gentlemen, we have safeguarded this in every respect.

I ask for a vote.

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio.

The question being taken, the amendment was rejected.

The CHAIRMAN. The question now recurs on the motion of the gentleman from Texas, to strike out section 402.

The question being taken, the amendment was rejected.

Mr. DEMPSEY. Mr. Chairman, I understood the ruling of the Chairman to be that the amendment offered by me was not germane simply at the place where it was offered. I ask unanimous consent to go back to page 43, subdivision 6, and offer the amendment, which I have before offered, as subdivision 6a.

Mr. MADDEN. We have already passed that.

The CHAIRMAN. The gentleman asks unanimous consent to return to page 43, subsection 6, for the purpose of offering an amendment.

Mr. MADDEN. I object.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. GOLDFOGLE. Reserving the right to object—

The CHAIRMAN. Objection has already been made. The Clerk will read.

The Clerk read as follows:

Sec 403. The fifteenth and sixteenth paragraphs of section 1 of the commerce act, added to such section by the act entitled "An act to amend the act to regulate commerce, as amended, and for other purposes," approved August 10, 1917, are hereby amended by inserting "(22)" at the beginning of such fifteenth paragraph and "(23)" at the beginning of such sixteenth paragraph.

Mr. ESCH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WALSH, Chairman of the Committee on the Whole House on the state of the Union, reported that that committee having had under consideration the commerce bill, H. R. 10453, had come to no resolution thereon.

CHANGE OF REFERENCE.

Mr. CURRY of California. Mr. Speaker, I ask unanimous consent that the Committee on Military Affairs be discharged from the further consideration of the bill (H. R. 10432) to provide for the exchange of Government lands for privately owned lands in the Territory of Hawaii, and that the same be referred to the Committee on the Territories.

The SPEAKER. The gentleman from California asks unanimous consent for the change of reference of H. R. 10432 from the Committee on Military Affairs to the Committee on the Territories. The Chair understands that the chairman of the Committee on Military Affairs is willing to have the change of reference made.

Mr. CURRY of California. He told me it ought to have been referred there in the first instance.

The SPEAKER. Is there objection?

There was no objection.

SUGAR IN POSSESSION OF THE NAVY DEPARTMENT.

Mr. DALLINGER. I ask unanimous consent to print in the Record a letter from the Secretary of the Navy to the chairman of the Committee on Naval Affairs in response to my resolution (H. Res. 337) for information in regard to sugar.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to print in the Record a letter from the Secretary of the Navy. Is there objection?

Mr. BLANTON. Mr. Speaker, there was so much noise that we could not hear who signs the letter.

The SPEAKER. The Secretary of the Navy. Is there objection?

There was no objection.

The letter is as follows:

NAVY DEPARTMENT,
Washington, October 21, 1919.

The Hon. THOMAS S. BUTLER,
Chairman Committee on Naval Affairs,
House of Representatives, Washington, D. C.

MY DEAR MR. BUTLER: I have received your letter of the 17th instant transmitting copy of House resolution 337, introduced by Mr. DALLINGER October 16, 1919, as follows:

"Resolved, That the Secretary of the Navy be, and he is hereby, requested and directed to report forthwith to the House of Representatives the amount of sugar now in the possession of the Navy Department."

The Navy now has on hand a little over 6,000,000 pounds of sugar at the various yards and stations, as follows:

	Pounds.
Boston	296,000
Norfolk	2,000,000
Philadelphia	141,000
Fleet supply base	4,002,900
Mare Island (as of 1 Oct., 1919)	40,000
Puget Sound (as of 1 Oct., 1919)	154,000
	6,633,900

It is estimated that the quantity on board all vessels of the Navy in the Atlantic, Pacific, Asiatic, and European waters is about 3,000,000 pounds, making a total of 9,000,000 pounds on hand.

Faithfully, yours,

JOSEPHUS DANIELS.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 3143. An act to provide for further educational facilities by authorizing the Secretary of War to sell at reduced rates certain machine tools not in use for Government purposes to trade, technical, and public schools and universities, other recognized educational institutions, and for other purposes; and

H. R. 6951. An act authorizing the return to the sender or the forwarding of undeliverable second, third, and fourth class mail matter.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CURRIE of Michigan, for five days, on account of important business, at the request of Mr. MICHENER.

EMBASSY AT BRUSSELS, BELGIUM—CHANGE OF REFERENCE.

The SPEAKER. The Chair asks the consent of the House that H. Doc. 290, a communication from the Acting Secretary of State, submitting an estimate of appropriations for purchase of building and grounds, for the embassy at Brussels, Belgium, for the fiscal year 1920, which was referred to the Committee on Foreign Affairs, be referred to the Committee on Appropriations. The Chair thinks it was erroneously referred to the Committee on Foreign Affairs. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. ESCH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 35 minutes p. m.) the House adjourned until Saturday, October 15, 1919, at 10 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Acting Chief of Engineers, report on reexamination of Brazos River, Tex., from Old Washington to Waco (H. Doc. No. 298), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MERRITT, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 3319) to provide for the reimbursement of the United States for motive power, cars, and other equipment ordered for railroads and systems of transportation under Federal control, and for other purposes, reported the same with amendments, accompanied by a report (No. 467), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HERNANDEZ, from the Committee on Indian Affairs, to which was referred the bill (S. 2890) to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes, reported the same with amendments, accompanied by a report (No. 468), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 8095) granting a pension to Louis R. Click, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TREADWAY: A bill (H. R. 10558) granting the consent of the Congress to the Connecticut River Railroad Co. to construct a bridge across the Connecticut River in the Commonwealth of Massachusetts: to the Committee on Interstate and Foreign Commerce.

By Mr. VARE: A bill (H. R. 10559) to amend an act entitled "An act to amend an act entitled 'An act granting pensions to certain enlisted men, soldiers, and officers who served in the Civil War and the War with Mexico,' approved May 11, 1912," approved June 10, 1918; to the Committee on Invalid Pensions.

By Mr. SANFORD: A bill (H. R. 10560) to provide for the award of military medals to persons receiving citations or letters of commendation for gallantry in action; to the Committee on Military Affairs.

By Mr. MCKINLEY: A bill (H. R. 10561) authorizing the Secretary of War to donate to the city of Oakland, Ill., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. DICKINSON of Missouri: A bill (H. R. 10562) for the purchase of a site for a public building at Eldorado Springs,

Cedar County, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10563) for the purchase of a site for a public building at Holden, Johnson County, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10564) for the purchase of a site for a public building at Windsor, Henry County, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. SWOPE: A bill (H. R. 10565) for the purchase of a post-office site and the erection of a Federal building thereon at Taylorsville, Ky.; to the Committee on Public Buildings and Grounds.

By Mr. GOULD: Resolution (H. Res. 389) providing for the purchase of an oil portrait of the late Hon. Theodore M. Pomeroy, former Speaker of the House of Representatives; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 10566) granting an increase of pension to Felix R. Robertson; to the Committee on Invalid Pensions.

By Mr. BLAND of Indiana: A bill (H. R. 10567) granting an increase of pension to William Connell; to the Committee on Invalid Pensions.

By Mr. BROWNE: A bill (H. R. 10568) granting a pension to Charles B. Crawford; to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 10569) granting an increase of pension to Louise Shoat; to the Committee on Pensions.

By Mr. CLEARY: A bill (H. R. 10570) for the relief of Mary Flinn; to the Committee on Claims.

By Mr. COADY: A bill (H. R. 10571) for the relief of the Occident Perpetual Loan and Building Association, of Baltimore, Md.; to the Committee on Claims.

By Mr. DRANE: A bill (H. R. 10572) granting a pension to Llewellyn K. Boulter; to the Committee on Pensions.

Also, a bill (H. R. 10573) granting a pension to David B. Spencer; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 10574) granting a pension to Harlem L. Gorham; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 10575) granting a pension to Millie Cislser; to the Committee on Pensions.

Also, a bill (H. R. 10576) granting a pension to John O'Connor; to the Committee on Pensions.

By Mr. HOWARD: A bill (H. R. 10577) granting a pension to Rhoda M. Gates; to the Committee on Pensions.

By Mr. HULINGS: A bill (H. R. 10578) granting a pension to Mary A. McCoy; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 10579) granting a pension to Henry Harding; to the Committee on Invalid Pensions.

By Mr. LONERGAN: A bill (H. R. 10580) granting a pension to Conrad C. Kalber; to the Committee on Pensions.

By Mr. McLAUGHLIN of Nebraska: A bill (H. R. 10581) granting a pension to Henry O. Conoway; to the Committee on Pensions.

By Mr. DYER: A bill (H. R. 10582) declaring interstate bridges over navigable streams to be public highways under certain conditions and exempting such bridges from State taxation; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DARROW: Petition of Philadelphia Board of Trade, favoring legislation for the transfer of the United States Coast Guard from the Treasury Department to the Navy Department; to the Committee on Naval Affairs.

By Mr. DYER: Petition of Local No. 2, American Federation of Musicians; Local No. 12, International Brotherhood of Blacksmiths and Helpers; Progressive Lodge, No. 41, International Association of Machinists, all of St. Louis, Mo., protesting against any attempt by Congress to enact legislation prohibiting the use of tobacco; to the Committee on the Judiciary.

Also, petition of Tobacco Workers' International Union, St. Louis, Mo., protesting against any legislation which would deny the rights of the people to use tobacco; to the Committee on the Judiciary.

Also, petition of National Association for the Advancement of the Colored People, protesting against recent trials held in Phillips County, Ark.; to the Committee on the Judiciary.

Also, petition of St. Louis Moving Picture and Projecting Machine Operators' Union, opposing bills which would deny the

railroad men the right to quit work when their just demands are denied them; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Petition of Rotary Club of Racine, Wis., favoring universal military training; to the Committee on Military Affairs.

By Mr. FULLER of Illinois: Petition of Aurora Post, No. 20, Department of Illinois, Grand Army of the Republic, urging support of House bill 9997; to the Committee on Military Affairs.

Also, petition of Memorial Post, No. 141, Department of Ohio, Grand Army of the Republic, supporting House bill 9369; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: Petition of Lodge No. 447, Brotherhood of Railroad Trainmen, opposing Cummins bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Legislative Board of Railroad Trainmen of the State of Maryland, protesting against legislation which would prevent railroad employees from exercising their right to strike; to the Committee on Interstate and Foreign Commerce.

Also, petition of P. J. Manley, of Baltimore, Md., favoring Plumb plan of railroad control; to the Committee on Interstate and Foreign Commerce.

Also, petition of Liberty Lodge, No. 1023, of Baltimore, Md., opposing Cummins bill and favoring the Plumb plan of railroad control, and supporting House bill 10367; to the Committee on Interstate and Foreign Commerce.

Also, petition of Real Estate Board of Baltimore, setting forth certain exceptions to House bill 8080 and indorsing House bill 9567; to the Committee on Ways and Means.

Also, petition of Fraternity Lodge, No. 124, Brotherhood of Railway Trainmen, opposing legislation which would take away from the railroad employees the right to strike; to the Committee on Interstate and Foreign Commerce.

Also, petition of Monumental Lodge 567, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, Baltimore, Md., opposing the Esch and Cummins railroad bills; to the Committee on Interstate and Foreign Commerce.

Also, petition of Charles E. Haugey, of Baltimore, Md., opposing Esch railroad bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Charles R. Clarke, of Baltimore, Md., urging support of the Royal C. Johnson bill; to the Committee on Naval Affairs.

Also, petition of George J. Jochel, of Baltimore, Md., opposing Cummins bill and favoring extension of Government control of railroads; to the Committee on Interstate and Foreign Commerce.

Also, petition of C. E. Fisher, of Baltimore, Md., opposing Cummins bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Frank Cole, of Baltimore, Md., for extension of Government control of railroads for two years; to the Committee on Interstate and Foreign Commerce.

By Mr. LONERGAN: Petition of Connecticut Branch of the American Legion, favoring bonus for soldiers, for additional service pay, for payment of insurance policies in lump sum, and for investigation of pardons to conscientious objectors; to the Committee on Military Affairs.

By Mr. MACGREGOR: Petition of Central Lodge, No. 39, Switchmen's Union of North America, opposing railroad bills now being considered by the House and Senate; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Dalrymen's League of Buffalo, N. Y., supporting Capper-Hersman bill; to the Committee on Agriculture.

By Mr. O'CONNELL: Petition of Lithuanian Societies' League of Brooklyn, N. Y., urging recognition for the Lithuanian Republic; to the Committee on Foreign Affairs.

By Mr. SINCLAIR: Petition of members of International Association of Machinists at Devils Lake, N. Dak., protesting against passage of the Esch railroad bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of E. O. Murray and other citizens of Hebron, N. Dak., urging the adoption of the Plumb plan for public ownership and democratic control of railroads; also urging two years' extension of the period of Government control; also protesting against passage of the Cummins and Esch bills or other bills "tending to prohibit strikes or against the welfare of organized labor"; to the Committee on Interstate and Foreign Commerce.

Also, petition of State Board of Railroad Commissioners of North Dakota, urging retention of State control over service, rates, and equipment of railroads such as existed prior to Federal control; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of South Heart, N. Dak., urging passage of Sims bill extending for two years the period of Government operation of railroads; also protesting against the Cummins bill and the Esch-Pomerene bill and any other legislation prohibiting strikes as being against the welfare of organized labor; to the Committee on Interstate and Foreign Commerce.

By Mr. VARE: Petition of Philadelphia Board of Trade, favoring transfer of the jurisdiction of the Coast Guard to the Navy Department from the Treasury Department; to the Committee on Naval Affairs.

By Mr. YATES: Petition of Local 137, Plumbers and Steam Fitters, of Springfield, Ill., protesting against the Cummins bill as drafted; to the Committee on Interstate and Foreign Commerce.

Also, petition of employees of Baltimore & Ohio Railroad, of Norris City and of Salem, Ill., urging the passage of the two-year Government control bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Danville Trades and Labor Council; Electrical Workers' Local No. 74; Chicago and Eastern Illinois Federated Crafts; Local 113, International Brotherhood of Blacksmiths and Helpers; Vermillion Lodge of Machinists, No. 473, all of Danville, Ill., protesting against the passage of the Esch bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Parsons Lumber Co., Rockford Lumber & Fuel Co., Reitsch Bros., J. Holmquist & Sons, Johnson Lumber & Fuel Co., G. N. Safford & Co., Crumb-Colton Co., all of Rockford, Ill., favoring the recent reconsignment rules of the Railroad Administration concerning transit cars of lumber; to the Committee on Interstate and Foreign Commerce.

Also, petition of Cole Manufacturing Co., Chicago, protesting against the Plumb plan contained in House bill 8157; to the Committee on Interstate and Foreign Commerce.

SENATE.

SATURDAY, November 15, 1919

(Legislative day of Thursday, November 13, 1919.)

The Senate met at 10 o'clock a. m., on the expiration of the recess.

The VICE PRESIDENT resumed the chair.

Mr. LODGE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harris	McNary	Smith, Ariz.
Ball	Harrison	Moses	Smith, Ga.
Borah	Henderson	Myers	Smith, S. C.
Brandegee	Hitchcock	Nelson	Smoot
Calder	Johnson, Calif.	New	Spencer
Capper	Johnson, S. D.	Newberry	Sterling
Chamberlain	Jones, N. Mex.	Norris	Sutherland
Colt	Jones, Wash.	Nugent	Swanson
Cummins	Kellogg	Overman	Thomas
Curtis	Kenyon	Page	Trammell
Dial	Keyes	Penrose	Underwood
Dillingham	Kirby	Phelan	Wadsworth
Edge	Knox	Phipps	Walsh, Mass.
Elkins	La Follette	Pomerene	Walsh, Mont.
France	Lenroot	Ransdell	Warren
Frelinghuysen	Lodge	Reed	Watson
Gay	McCormick	Robinson	Williams
Gore	McCumber	Sheppard	
Hale	McKellar	Sherman	
Harding	McLean	Simmons	

Mr. CURTIS. I wish to announce that the Senator from Maine [Mr. FERNALD] is detained on business of the Senate.

Mr. SHEPPARD. The Senator from Delaware [Mr. Wolcott], the Senator from Kentucky [Mr. BECKHAM], the Senator from Wyoming [Mr. KENDRICK], the Senator from Tennessee [Mr. SHIELDS], the Senator from Maryland [Mr. SMITH], the Senator from Rhode Island [Mr. GERRY], and the Senator from Utah [Mr. KING] are absent on official business.

The VICE PRESIDENT. Seventy-seven Senators have answered to the roll call. There is a quorum present.

WOMAN SUFFRAGE.

The VICE PRESIDENT, as in legislative session, laid before the Senate a certified copy of a joint resolution adopted by the Legislature of the State of Maine, ratifying the proposed amendment to the Constitution of the United States extending the right of suffrage to women, which was ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House disagrees to the amendment of the Senate to the bill (H. R. 9821) to amend "An act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901," agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MAPES, Mr. GOULD, and Mr. WOODS of Virginia managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a telegram in the nature of a petition from the chairman of the League of Mayors, of Portland, Oreg., praying for the enactment of legislation to enable the arrest and conviction of persons preaching violence, which was referred to the Committee on the Judiciary.

He also presented a telegram in the nature of a petition from the Third World's Citizenship Conference, assembled in Pittsburgh, Pa., praying for immediate action on the league of nations and peace treaty, which was ordered to lie on the table.

Mr. McLEAN presented a petition of the congregation of the Congregational Church, of Wauregan, Conn., praying for the protection by the United States of the Armenian Republic and for the rendering of assistance to the Armenians, which was referred to the Committee on Foreign Relations.

He also presented a petition of the general conference of the Congregational Churches of Connecticut, praying for the ratification of the proposed league of nations covenant and peace treaty without reservations so drastic as to render void the moral obligation of our country, etc., which was ordered to lie on the table.

He also presented a memorial of Robert Emmet Branch, Friends of Irish Freedom, of Branford, Conn., remonstrating against the ratification of any league of nations or treaty of peace which will prevent or retard Ireland from taking her place among the nations of the world, which was ordered to lie on the table.

He also presented a memorial of sundry Lithuanian citizens of Naugatuck, Conn., remonstrating against the invasion of Lithuanian territory and praying that the United States render moral support to the Lithuanians in their struggle for independence, which was referred to the Committee on Foreign Relations.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred, as follows:

By Mr. HALE:

A bill (S. 3425) granting an increase of pension to Charles C. Perkins (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Arizona:

A bill (S. 3426) for the relief of Lieut. Lewis A. Romine; to the Committee on Military Affairs.

By Mr. CALDER:

A bill (S. 3427) to establish a commission to report to Congress on the practicability, feasibility, and place, and to devise plans for the construction, of a public bridge over the Niagara River from some point in the city of Buffalo, N. Y., to some point in the Dominion of Canada, and for other purposes; to the Committee on Commerce.

By Mr. SHIELDS:

A bill (S. 3428) granting a pension to Alvin Rainbolt; and
A bill (S. 3429) granting a pension to Robert J. Carter; to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 3430) fixing the salaries of certain United States attorneys and United States marshals; to the Committee on the Judiciary.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. HITCHCOCK. Mr. President, I ask to have read at the desk the following proposed substitute reservations. I will say that I have also for convenience incorporated the resolution of ratification, which, of course, can not be considered now.

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate do advise and consent to the ratification of the treaty of peace with Germany concluded at Versailles on the 28th day of June, 1919, subject to the following reservations, understandings, and interpretations, which shall be made a part of the instrument of ratification:

That the Government of the United States understands and interprets this treaty as follows:

Proposed substitute reservations by Mr. HITCHCOCK to take the place of those proposed by Senator LODGE.

That any member nation proposing to withdraw from the league on two years' notice is the sole judge as to whether its obligations referred to in article 1 of the league of nations have been performed as required in said article.

That no member nation is required to submit to the league, its council, or its assembly, for decision, report, or recommendation, any matter which it considers to be in international law a domestic question, such as immigration, labor, tariff, or other matter relating to its internal or coastwise affairs.

That the national policy of the United States, known as the Monroe doctrine, as announced and interpreted by the United States, is not in any way impaired or affected by the covenant of the league of nations, and is not subject to any decision, report, or inquiry by the council or assembly.

That the advice mentioned in article 10 of the covenant of the league which the council may give to the member nations as to the employment of their naval and military forces, is merely advice which each member nation is free to accept or reject according to the conscience and judgment of its then existing Government, and in the United States this advice can only be accepted by action of the Congress at the time in being, Congress alone, under the Constitution of the United States, having the power to declare war.

That in case of a dispute between members of the league, if one of them have self-governing colonies, dominions, or parts which have representation in the assembly, each and all are to be considered parties to the dispute, and the same shall be the rule if one of the parties to the dispute is a self-governing colony, dominion, or part, in which case all other self-governing colonies, dominions, or parts, as well as the nation as a whole, shall be considered parties to the dispute, and each and all shall be disqualified from having their votes counted in case of any inquiry on said dispute made by the assembly.

Mr. HITCHCOCK. Mr. President, I desire also to present and have lie on the table a substitute for the third reservation presented by the Senator from Massachusetts [Mr. LODGE].

The VICE PRESIDENT. The Secretary will read the proposed substitute.

The SECRETARY. As a substitute for reservation numbered 3, agreed to as in Committee of the Whole, insert the following:

3. The United States does not assume an obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether members of the league or not—under the provisions of article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose, until in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide.

Mr. HITCHCOCK. Mr. President—

Mr. SMITH of Georgia. One moment. Let me understand. Is that offered by the Senator from Nebraska?

Mr. HITCHCOCK. I present it merely for the purpose of having it read, so that it may be offered hereafter if necessary.

Mr. SMITH of Georgia. Let me understand it exactly. It will then be before the Senate as a suggested additional provision to the reservations offered by the Senator from Massachusetts?

Mr. HITCHCOCK. No; it is a substitute which may or may not be offered. I am merely presenting it now as a matter of safety for fear that it may be cut off.

Mr. SMITH of Georgia. If offered in this way any other Senator can bring it up also, for it is before the Senate, as I understand the rule.

Mr. HITCHCOCK. Mr. President, I give notice that I shall at the proper time in the first reservation offered by the Senator from Massachusetts and already adopted move to strike out all after the word "ratification," in the third line, as printed in the CONGRESSIONAL RECORD. The matter stricken out is as follows:

which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted by an exchange of notes as a part and a condition of said resolution of ratification by at least three of the four principal allied and associated powers, to wit, Great Britain, France, Italy, and Japan.

Mr. President, I desire to present for printing and to lie on table, subject to future offer, the resolution of ratification which I send to the desk.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read as follows:

Resolved (Two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty of peace with Germany concluded at Versailles on the 28th day of June, 1919.

Mr. HITCHCOCK. Mr. President, we have a number of other reservations and possible amendments to the pending resolution of ratification, but we are embarrassed by the difficulty of introducing them at this time; and I inquire of the Chair whether it is necessary that proposed resolutions of ratification and proposed reservations be offered at the present time or whether they can be offered when the Senate has received the report from the Committee of the Whole and is sitting as the Senate?

The VICE PRESIDENT. If there is any way for the Chair to rule and for an appeal to be taken from the decision of the Chair the Senate is entitled to a ruling on the whole question. The mind of the Chair is made up on this whole matter, but the Chair does not know how to present a moot opinion.

Mr. BORAH. Mr. President, may I make a parliamentary inquiry?

The VICE PRESIDENT. Certainly.

Mr. BORAH. There has been a motion filed here for cloture. May I inquire when the motion under that rule will be submitted to the Senate for a vote?

The VICE PRESIDENT. At 11 o'clock.

Mr. BORAH. To-day?

The VICE PRESIDENT. To-day.

Mr. SMITH of Georgia. Mr. President—

Mr. HITCHCOCK. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. This cloture rule was drawn on the theory that Senators would be here in Washington and that all would be given an opportunity of one day to prepare any amendments and lay them before the Senate before the second day, when the cloture rule would be formally submitted. In view of the situation of yesterday, as a consequence of which that opportunity was not given as broadly as the cloture rule contemplated, I think we could simplify the matter very much if we could adopt a unanimous-consent agreement that at any time during to-day, even though the cloture rule be adopted, amendments might be submitted by any Senator desiring to present them and be read to the Senate. I only desired to make this suggestion to see if it would not appeal to the Senator from Massachusetts [Mr. LODGE] and to the Senator from Nebraska [Mr. HITCHCOCK]. Many Senators really did not have an opportunity yesterday to prepare any amendments they might desire to offer.

Mr. NORRIS. Let me suggest to the Senator from Massachusetts [Mr. LODGE] and to the Senator from Nebraska [Mr. HITCHCOCK], in connection with the suggestion which the Senator from Georgia [Mr. SMITH] has made, that a unanimous-consent agreement be now entered into postponing the laying before the Senate of the cloture rule until Monday one hour after we convene. That would in reality carry out the real purpose of the cloture, and give to-day for Senators to make necessary preparations.

Mr. SMITH of Georgia. That would effectuate practically the same result I had in mind.

Mr. BORAH. Mr. President, the best way to do is to vote upon the motion for cloture and see whether or not we like it. We now have cloture up and are trying to get from under it. So far as I am concerned, I shall object to a unanimous-consent agreement of any kind.

Mr. THOMAS. I think that is a good idea, Mr. President, and I like it.

Mr. SMITH of Georgia. Mr. President, if the Senator from Idaho [Mr. BORAH] will permit the suggestion, there may be Senators who would be glad to vote for the cloture rule, but who still desire to perfect some amendments and have them pending when the cloture is adopted. Clearly, under the rule after cloture is adopted, no new amendment that has not been at least read prior to that time for the information of the Senate can be offered, and because of that, votes for the cloture rule, I am afraid, might be lost, if the opportunity to present such amendments be not given to Senators to-day.

Mr. BORAH. I hope so.

Mr. SMITH of Georgia. I misunderstood the attitude of the Senator from Idaho.

Mr. BRANDEGEE. Mr. President—

Mr. HITCHCOCK. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. I desire to make a parliamentary inquiry of the Chair. In the first place, however, I will ask the Senator from Nebraska what his parliamentary inquiry was. So much debate has intervened that it has gone out of my mind.

Mr. HITCHCOCK. I will explain it to the Senator from Connecticut. I have introduced here a number of reservations, proposed amendments, and substitutes, and even a proposed resolution of ratification, which I do not think really is in order in the Senate sitting as in Committee of the Whole, for I find some Senators have interpreted the cloture rule to mean that nothing can be presented of a new character after cloture is once agreed upon. Is that the interpretation of the Senator from Massachusetts?

Mr. LODGE. Certainly; that is obvious on the face of the rule.

Mr. HITCHCOCK. The rule, however, only applies to amendments; it does not apply to reservations. We are talking now about a resolution of ratification containing reservations. My interpretation of the matter is that when we get into the Sen-

ate, then, for the first time, under a strict application of the rules, the resolution of ratification can be considered, and we ought to be able then to introduce amendments, reservations, and substitutes for what is pending. That will not affect the debate; debate will be cut off just as effectively; but Senators will not be prohibited from introducing what may develop to be necessary in order to bring about a result.

Mr. LODGE. Mr. President—

Mr. HITCHCOCK. I should like to know the opinion of the Senator from Massachusetts as to that point.

Mr. BRANDEGEE. I understood the Senator from Nebraska yielded to me.

Mr. HITCHCOCK. I did. I beg the pardon of the Senator from Connecticut.

Mr. BRANDEGEE. Mr. President, the Senator from Nebraska made his parliamentary inquiry, and the Chair, if I understood him correctly, asked if there was any way in which the Chair could announce how he would rule, then have an appeal taken, and the whole matter settled now.

The VICE PRESIDENT. This is the attitude of the Chair: The Chair has a very fixed opinion about the procedure, but recognizes always that, as a self-governing body, a majority of the Senators have a perfect right to overrule, and should, if the Chair is mistaken, overrule the opinion of the Chair; but the Chair can hardly rule upon a moot question.

Mr. LODGE. Precisely.

The VICE PRESIDENT. At 11 o'clock the Chair was going to express an opinion upon what the Chair believes to be the procedure with reference to this matter.

Mr. BRANDEGEE. Mr. President—

Mr. HITCHCOCK. I yield.

Mr. BRANDEGEE. Will the Senator from Nebraska state concisely his parliamentary inquiry? I do not yet understand it.

Mr. HITCHCOCK. My inquiry is this: When the hour of 11 o'clock has arrived, and the vote has been taken upon cloture, if it shall carry, is it possible after that time to introduce amendments to the pending reservations or new reservations or even in the Senate a resolution of ratification, or must all of those matters, under the cloture, be introduced before the vote on cloture is taken? I should like to have the opinion of the Senator from Connecticut as to that, if he will express one.

Mr. BRANDEGEE. The Senator from Connecticut is not subject to questions on parliamentary construction, and in a modest way he withdraws from that attitude, if he has ever assumed it. I have no opinion to express; but I agree with the Chair that the question is at present a moot question and ought to be decided when it is raised in a way in which it can be settled by the Senate, if necessary.

The VICE PRESIDENT. The Chair feels that there is a way by which an appeal can be taken from the Chair at 11 o'clock, but in passing upon the question of cloture the Chair feels, in justice to Senators, that he ought to express an opinion as to what this application of the cloture rule means with reference to the subsequent procedure of the Senate. If the Chair's opinion is wrong, then is the time for the Senate to reverse the ruling of the Chair.

Mr. HITCHCOCK. Does that time arrive after the vote on cloture?

The VICE PRESIDENT. It arrives before the vote is taken.

Mr. HITCHCOCK. So that we may be advised in advance what the ruling of the Chair is, and also whether the Senate will sustain that ruling?

The VICE PRESIDENT. Exactly; so that the Senate may be advised as to whether they want to vote for cloture or whether they do not. The Chair thinks that is fair.

Mr. LODGE and Mr. HITCHCOCK addressed the Chair.

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. HITCHCOCK. I yield.

Mr. LODGE. No; I do not ask the Senator to yield. I have been standing here half an hour trying to get recognition.

Mr. LENROOT. Mr. President, will the Senator yield to me?

Mr. HITCHCOCK. I yield to the Senator from Wisconsin.

Mr. LENROOT. May I inquire of the Chair whether the ruling the Chair has in mind goes only to the effect of cloture and does not pass upon the question of whether additional resolutions would be in order under another rule of the Senate?

The VICE PRESIDENT. The Chair passes on that question, of course, because that is what the cloture rule affects.

Mr. SMITH of Georgia. Mr. President—

Mr. HITCHCOCK. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. I send to the desk several amendments which I desire to have read in compliance with Rule XXII.

Mr. HITCHCOCK. I yield for that purpose.

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

The following notice is presented by Mr. SMITH of Georgia to be read in compliance with the provisions of rule 22, applicable to closing debate:

First. Reserve for vote in the Senate the amendments offered by the Senator from North Dakota [Mr. McCUMBER] to the first reservation.

Second. Amend the sixth reservation by striking out the words "Is to be interpreted by the United States alone and."

Third. Amend the seventh reservation by striking out the words "withhold its assent to articles 156, 157, and 158."

Fourth. Add the additional reservation to be numbered next after the last reservation adopted prior to its presentation: "The United States will decline to participate in the organization of labor provided for in part 13, unless the Congress of the United States shall hereafter approve and direct such participation."

Mr. LODGE. Mr. President—

The VICE PRESIDENT. The Senator from Nebraska ought to conclude. The Senator from Massachusetts has been desirous of obtaining the floor for some time.

Mr. HITCHCOCK. Then, if the Senator will permit me, I will conclude.

I wish to say, Mr. President, that the questions I am raising now are not intended in any way to interfere with cloture. We on this side believe in cloture; we think that it should have been applied some time ago, and if we had felt that we could have secured a two-thirds vote we would have pressed for it. I desire to say right here that this side—in fact, the supporters of the treaty on both sides of the aisle—have been long-suffering. I have had computed the amount of time that has been occupied in the discussion of the treaty by the supporters of the treaty and by its opponents. I have made a computation of the space occupied by each Senator in the RECORD during September and October in discussing the treaty. I have transferred into the ranks of the supporters of the treaty Senators who made speeches in favor of reservations, but who have voted against amendments.

Mr. JONES of Washington. Mr. President, I rise to a question of order.

The VICE PRESIDENT. The Senator will state it.

Mr. JONES of Washington. Under the rule providing for cloture the Senate must vote at the end of one hour after meeting, and all amendments, as I understand, that are intended to be proposed must be presented before that time. My inquiry is this: Can a Senator take the floor and hold the floor during that hour for general discussion, thereby cutting off the opportunity of other Senators to propose amendments which they now desire to propose?

Mr. HITCHCOCK. I will say to the Senator that I have no expectation of talking an hour.

Mr. JONES of Washington. It is half-past 10 now; the Senator has already taken half an hour.

Mr. HITCHCOCK. If I can go on without interruption, I shall conclude in a very few moments.

Mr. JONES of Washington. I have submitted my question of order to the Chair.

Mr. HITCHCOCK. I wish to complete my sentence, Mr. President. I have had the space occupied in the RECORD computed, and the showing is that during September and October those who have been attacking the treaty—

Mr. JONES of Washington. I should like a ruling of the Chair as to whether a Senator can indulge in general discussion.

The VICE PRESIDENT. The Chair will rule that if any Senator has an amendment to propose he may propose it, there being one hour for that purpose.

Mr. HITCHCOCK. That is exactly what I want to do.

Mr. JONES of Washington. Does the Chair hold that a Senator can discuss an amendment for an hour?

The VICE PRESIDENT. No; the Chair has not ruled that. The Chair wants to give Senators their rights not as the Chair sees them but as they see them.

Mr. HITCHCOCK. Mr. President, I can conclude in three minutes, if permitted.

Mr. JONES of Washington. The Chair can not extend the hour.

The VICE PRESIDENT. No.

Mr. JONES of Washington. And there is every indication that the Senator from Nebraska is discussing these matters in such a way—

The VICE PRESIDENT. He says he will conclude in three minutes.

Mr. JONES of Washington. Well, I do not like to proceed under promises of that kind.

Mr. HITCHCOCK. This showing is that the supporters of the treaty during those two months have consumed 27 per cent of the time and the opponents of the treaty have consumed 73 per cent of the time, and many of the speeches made by the opponents of the treaty have been made to empty benches, made for the mere purpose of consuming time and defeating the treaty by obstruction. I want that to go in the Record, and I want the country to understand it, and to understand that this side, those supporting the treaty, are in favor of cloture and bringing this matter to a close. We simply want a ruling of the Chair as to whether, after cloture, we may introduce amendments that may be timely at the time, without extending the debate.

Mr. LODGE. Mr. President, I desire to call attention to the fact that if rulings are made now, under the cloture there is absolutely no opportunity to discuss them.

Points of order, including questions of relevancy, and appeals from the decision of the presiding officer shall be decided without debate.

That is under the cloture rule. It is proposed to make rulings before the questions have arisen, and nobody will have any opportunity to discuss them.

I also wish to call attention at this point to the fact that if reservations can not be included within a cloture treaties can not be.

Mr. JOHNSON of California. Mr. President, in order that there may be no misunderstanding hereafter about the matter, I wish to offer, as I have offered heretofore, a reservation which has been printed and is lying now upon the desks of the various Senators. May I consider that as offered?

I ask permission to have printed in the RECORD an article appearing in the Boston Evening Transcript of Thursday, November 13, 1919, by a very distinguished Canadian, Sir Andrew MacPhail. I will state very briefly what the article is. It is an article by a distinguished Canadian, in which he shows the purposes to which the league of nations ought to be put when subsequently it may be in operation, and he delineates the boundaries, as he believes they ought to be, between Canada and the United States, and shows that under the league of nations, under article 19, that boundary should be fixed whereby about 8,000 square miles of the State of Maine should be added to Canada.

I ask leave that it may be printed, so that I may hereafter refer to it.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

SHALL MAINE BE DISMEMBERED TO CONCILIATE CANADA?—DISTINGUISHED CANADIAN VETERAN AND PUBLICIST INVOKES ARTICLE 19 OF THE TREATY OF VERSAILLES, BY THE TERMS OF WHICH AMERICA CAN BE CALLED UPON TO SUBMIT TO A NEW BOUNDARY GIVING NORTHERN MAINE TO CANADA AS AN AVOIDANCE OF FUTURE WAR.

[From the October number of the University Magazine, Montreal. By Sir Andrew MacPhail, B. A., M. D., M. R. C. S. (Eng.), F. R. S. (Can.), professor of the history of medicine since 1906, and fellow of McGill University; major, Canadian Army Medical Corps; veteran of the European war; editor of the University Magazine and the Canadian Medical Journal.]

In the end geography governs, and geography always governs in terms of the sea, since in the beginning the waters were gathered into one place. All history is merely a record of attempts to reach the ocean, and empires have endured only so long as they could occupy the advanced sea bases. When these were lost the nation perished. Persons interested in this powerful thesis will find it clearly displayed in Mr. Mackinder's new book. The Germans failed because of historical stupidity. They advanced upon Paris instead of upon Calais. They did not discern soon enough that England on her sea base was the real enemy. Full confession is now made in the memoirs which their generals and admirals are pouring from the press.

WHAT IS A NATION?

It is scarcely to be expected that those persons in Canada who profess to be concerned about the future status of the country should have a clearer view of this far end. They are content to dig at the foundations, to remove ornaments which they find offensive, to add excrescences, and none will be more naively astonished when they find the fabric coming down. The word "nation" is in their mouths. They do not know what a nation is. They think a nation can be fabricated in much the same way as a failing business concern is reorganized, and the original shareholders frozen out. They can not understand that there are yet "loyalists" in the world who are willing to take arms in their hands or go out once more into the wilderness; or, if no wilderness remain, return to the homes which their fathers left.

A nation is like an army. An army must have a base else it will perish in the air. When Canada went to war its base was in England, its source of supply even for boots and clothing and for the very weapons in the hands of its soldiers. In times of peace the bases were, and are, in the United States. There is a suspicion at the moment that these bases are not so secure as one would wish. The truth is, they are no bases at all. They exist for us only at the convenience and by the consent of the country in which they lie. We are not protected by so much as a specific paper treaty, and even a treaty of the strongest paper is a poor defense, as Belgium found out to her cost.

ACCESS TO THE SEA.

Our access to the sea is governed by the treaty of Washington, which was signed on May 8, 1871, and ratified in London on June 17 of the same year. By article 29 it was agreed that for a term of years goods might be conveyed in transit through the ports of New York, Boston, and Portland, and any other ports which might be "specially designated

by the President of the United States," without the payment of duties, but under "such rules, regulations, and conditions as might be from time to time prescribed." This "term of years," according to article 33, was to begin when the Legislature of Prince Edward Island inter alia had given a certain "assent," and was to continue for a period of 10 years, but could be terminated by 2 years' notice from either side. It is all very well for that small but powerful Province to dominate confederation. It was too much at any time that the Legislature of Prince Edward Island should have the power to decide whether or not Canada was to have any access whatever to the sea. A search of the archives in Charlottetown would determine if this treaty ever was in force; but there is now, at any rate, an opinion in both countries that the provision has lapsed.

A NICE ILLUSTRATION.

At the present moment there is a nice illustration of the value to us of our sea bases in the United States. England requires wheat, and we have wheat which must be sold. All ports except Portland are closed to us by a simple device. The American railways are forbidden to carry Canadian grain or grain products without a permit from the general operating committee. These permits are sometimes granted for small quantities, which in practice are limited to occasional shipments of flour; but the delay and difficulty in securing these permits make the export of wheat impracticable. A single route by the St. Lawrence, even in the summer, is too precarious. The explosion in the elevators at Port Colborne brought into prominence the necessity of an exit by Buffalo. The treaty of Washington may permit us to enter and clear without duty. It does not compel American railways to carry our goods. Upon this flimsy fabric our sea commerce is based.

A nation without a sea base depends for existence upon itself alone or upon the sufferance of its neighbor through whose territory it must pass for access to the world in search of such supplies as are necessary for its existence. It must also have an outlet for its own surplus with which imports are to be paid. Forty years ago Canada had a dim perception of this truth and inaugurated a policy of self-sufficiency which to that extent deserved the name of "national." That policy has failed. It was never thoroughly tried, or, rather, it was nullified by a contrary policy of manufacturing for export. Imports increase, and now in despair we have abandoned the home market and are supplying Greece and Roumania upon our own credit. Two contrary policies at the same moment can not succeed.

GEOGRAPHY GOVERNS.

Canada also is governed by geography through the relentless instrument of climate. The keeper of a lighthouse in the Newfoundland Labrador may continue for a time to clothe his women in flimsy fabrics from a Toronto department store. When the supply ship fails he and his family will revert to the practices of the people amongst whom he lives, or they will perish from cold and hunger. No city in Canada could endure for a month if its coal supply from the United States were cut off. This supply is not automatic. It is subject to embargo. A nation's first duty is to itself. Ambitious young nationalists would do well to reflect upon these things, else they may find themselves with a nation—without a people.

Two courses are open. We may content ourselves with such sea bases as we have and direct our life accordingly. We may endeavor by persuasion or by force to secure sea bases from the United States. If the United States had not entered the war we might conclude that they were sunk in sloth and would not defend even their own possessions. At one stroke they dispelled that illusion. The truth is, Canada, apart from the Maritime Provinces, has no sea base on the Atlantic coast, unless the Hudsons Bay route is taken seriously, but now that the money is spent the opinion expressed upon these pages nine years ago is generally accepted as correct. That illusion also is at an end.

It is a principle of history that a free nation must have reasonable access to the sea by communications which are fairly secure. That access is secured for Canada by the St. Lawrence, but only for seven months in the year, and that only in time of peace. During the other five months communication is obtained by three lines of railway—the Canadian Pacific, the Intercolonial, and the Grand Trunk Pacific. Of these lines the Canadian Pacific runs for 150 miles through United States territory. The Grand Trunk Pacific skirts the border of Maine for 100 miles. The Intercolonial is only a little farther removed.

AMERICA THE OBSTACLE.

All access to the sea, even by the St. Lawrence, is under direct control of the United States, on account of the projection of the State of Maine to within 30 miles of the St. Lawrence. This one outpost dominates the life of Canada, which exists only by the will of its neighbor. For many years we have been striving to create a line north of the St. Lawrence between Quebec and St. Catherine's Bay on the Saguenay, but the natural difficulties are insuperable and national energies are required for more immediate needs.

At the first touch of war the problem obtruded itself. In the autumn of 1914 Canada was able to dispatch a contingent of 40,000 men by the St. Lawrence. During that and the succeeding winter all reinforcements were obliged to proceed by rail; the Canadian Pacific was useless for the purpose, since it passed through foreign territory. The port of St. John in New Brunswick was consequently unavailable, and the burden of traffic fell upon Halifax alone. It was only after the United States became an ally that reinforcements from Canada began to move freely by the shortest and natural route, through Maine.

THE LEAGUE IS THE OUTLET.

There is a way out. It is to be found in the league of nations. If it is not found therein, then that instrument has no force, and its signatures no sincerity. According to article 19, "The assembly may from time to time advise the reconsideration by members of the league of treaties which have become inapplicable, and the consideration of international conditions whose continuance might endanger the peace of the world." Whatever the status of Canada may in the future be, its existence will depend upon the outcome of this issue. The issue, then, is large enough to warrant an extended examination. It is nothing less than the relations in the past, at the present, and in the future between the United States and the British Empire, which many wise men on both sides are now considering.

International relations between Canada and the United States began on the day the treaty of peace was signed in Paris, September 3, 1783. The relations between the two countries have been governed by the inexorable logic of the surrender of Cornwallis at Yorktown, October 19, 1781, and the consequences of that event are in daily operation.

At various times disputes grew up, but they were always composed by a process of compromise, in which essential justice was rendered to both parties. International relations are much less exact than the terms of a problem in mathematics or metaphysics. They are not

governed by rigid law; even the principles of right and wrong can not always be evoked with confidence since all the right is never on one side and all the wrong on the other. In the growth of nations problems arise slowly and unsuspected. No one is responsible or blamable for these problems. They are a part of life itself. They may be solved by arbitration. They may be postponed. They are often in the end solved by war alone.

THE PSYCHOLOGICAL MOMENT.

The material for dispute between nations always exists. It may flame up under sudden friction, and that friction may have its origin in the most remote causes. Problems which have lain dormant for centuries may suddenly assume a vital importance for one side or the other, possibly for both. We in each country are now in the situation of two men who have inherited adjoining farms, with old servitudes yet in existence. Such an affair can be settled only in a moment of passionate enthusiasm. This is such a moment.

But the method should vary with the mood; not by commissions, by diplomatic conventions, by formal exchange of arguments; not by remembering past disputes, but forgetting them, and looking to the future in a friendly conversation between the persons immediately concerned. Only the historical sequence of events should be kept in mind, since all our relations are merely a part of general history. From the beginning we on both sides have labored to remove any cause from which offense might come; but in every case the settlement was delayed until grave danger was actually at hand.

The Ashburton treaty of 1842 was only effected in sight of war. By this treaty the northeast boundary of the United States was established, but a state of war had already existed. In 1839 hostilities had broken out in Aroostook County. Arrests were made by the authorities of New Brunswick and of Maine; the President was authorized to call out the militia; \$10,000,000 were voted for military defense, and Gen. Winfield Scott was sent upon the scene. He was able to arrange a truce on March 21, 1839, on terms of joint occupancy, and arbitration took the place of war.

The danger had been foreseen, but for 50 years it was allowed to remain. As early as 1794 the Jay treaty provided for a commission to decide what the St. Croix River—the Maine boundary—actually was, and four years later the commission decided that it was the river falling into Passamaquoddy Bay. The islands in that bay were next in dispute, and by the treaty of Ghent, 1814, this matter also was referred to a commission. A survey was undertaken in 1817-18, and a further commission appointed. This body met first at St. Andrews, N. B., and later in New York in 1822, with disagreement on both occasions. The question was next referred to the King of the Netherlands, but the Senate declined to accept his decision.

WAR OR GOOD WILL.

There comes a time when an affair is so complicated that it can only be solved by war or good will. This boundary question will serve as an illustration. By the treaty of 1783, article 11, the northeast boundary of the United States was held to extend along the middle of the St. Croix River, "from its mouth in the Bay of Fundy to its source," and "north from the source of the St. Croix River to the highlands; along the said highlands which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean to the northeasternmost head of the Connecticut River; thence along the middle of that river to the 45th degree of north latitude."

A fresh difficulty was introduced into the negotiations by the pedantic precision of a draughtsman. In 1621 James I. granted "Nova Scotia" to Sir William Alexander, the western boundary of which extended from the source of the St. Croix River "toward the north" to the nearest waters draining into the St. Lawrence. In the light of more modern knowledge this line runs west-northwest; but in 1763 the clerk who drew the commission to Sir Montagu Wilmot, governor of Nova Scotia, described the line as running "due north" from the source of the St. Croix.

Out of this arose two distinct opinions. The English held that the "due north line" was 40 miles long, and ran to Mars Hill, Aroostook County. The United States claimed that the line was 140 miles long and ran to the highlands which divide the Restigouche and the tributaries of the Metis. By no process of law could such a dispute be adjudicated. It was effected by compromise. Maine received 5,500 square miles less than were claimed. England received a similar amount less than she claimed. Whether settled right or wrong, the dispute was settled, and danger of war was at an end. The Federal Government paid to Maine \$150,000 in compensation for claims, real or imaginary.

CANADIAN BELIEF.

An impression has long prevailed in Canada that the United States had the best of the bargain. The growth of this delusion is the most curious in the history of diplomacy, and formal expression was given to it as late as 1907 by the then premier of Canada, Sir Wilfrid Laurier. The delusion arose out of the measures which Daniel Webster thought necessary to employ to secure the consent of Congress to the treaty. He made the best of the case, and even produced maps upon which certain lines had been drawn to show that the Americans had received to the uttermost all that they had claimed. Unfortunately, his political expedient was overheard in Canada, and it is only within the last 10 years that the nature of it was discovered, and the essential justice of the award admitted.

For the sake of completeness the Alaska award of October 20, 1903, may be cited to demonstrate how suddenly a cause of difference may arise between the two countries. The discovery of gold in the Yukon gave an importance, much overestimated at the time, to a definition of the boundary between Canada and Alaska. The issue was simple, and yet insoluble by any rigid rules. There was a discrepancy between the maps and the text of the narrative by which the boundary was defined. If the maps were to govern the possession of the islands, they ought to go to the United States; if the treaty were "tried by the text," they ought to go to England. The result was a compromise which did not, and could not, please the extremists on either side. That, indeed, is the justification of the award.

The matters yet in dispute between Canada and the United States are unimportant in themselves, and of so trivial a nature that it is hard to imagine that they might conceivably lead to hostility. They concern for the most part rivers and lakes in which certain commercial considerations are involved, such as water power, fisheries, and navigation. It would be a convenience to both sides if these were settled; both would gain, and neither the one nor the other would lose.

Slight as these differences are, unforeseen circumstances may arise to magnify their importance. The events leading up to the Oregon award are worth considering in detail, as they illustrate so well the profundity

of historical causes, and the insensible degrees by which nations are eventually brought at least to the verge of war. The Oregon dispute was bound up with the question of slavery, and slavery in turn was governed by the invention of the cotton gin, by which a wide movement of population was created.

By this contrivance, which was devised by Eli Whitney in 1793, the seeds of the cotton were separable from the fiber. The use of the cotton gin permitted profitable production of the short-fibered variety of cotton from the uplands of the Southern States. In 1811 Alabama produced no cotton; in 1834 the crop was larger than that of Georgia or South Carolina, and the population of the State had doubled. Slave holding and cotton growing went together, and as they advanced the free population was obliged either to buy slaves or move northward. This movement was joined by the great migration along the Erie Canal and the Lakes as far west as Oregon and as far north as the Canadian boundary.

NEW TERRITORY DESIRED.

New territory was desired, not so much for its value, as for the opportunity of creating new States in which slavery would be adopted as an institution, and the States in which it was prohibited would accordingly be put in a minority. When the bill for the organization of Oregon was passed in 1818 it excluded slavery, ostensibly in accordance with the "conditions, restrictions, and prohibitions" of the north-west ordinance of 1787, but in reality by a recognition of the dangerous principle of "squatter sovereignty," under which the people of the territory had already forbidden slavery within its territory. If they could forbid it, they could also allow it. The Oregon dispute really had its origin in a pressure of population which began on the Atlantic seaboard and the Gulf of Mexico.

But this Oregon was not the present little State which now lies below 46° 15' north latitude. It was that enormous territory which extends between the parallels of 42° and 54° 40'. It included all that area between the Rocky Mountains and the Pacific, between Alaska on the north and California on the south, an area of 400,000 square miles, drained by such rivers as the Columbia, the Fraser, and the Skeena. The attitude of the United States was well expressed by Stephen A. Douglas when he declared, May 13, 1864: "I am as ready and willing to fight for 54° 40' as for the Rio del Norte." When President Polk declared in his inaugural message for the whole of Oregon, both countries were on the verge of war.

No one contended that the title of Great Britain to this region was incontestable. Spain had a claim on the ground of priority of discovery, though discovery, unattended by permanent occupation and settlement, constitutes the lowest degree of title; and the only right which Great Britain secured from Spain was that which was conceded under the Nootka convention of 1790, and confirmed by the treaty of Madrid in 1814, that British subjects might settle and trade in the territory north of California. This arrangement was made in the interests of fur traders who formed the North-West Co., and its successor the Hudson Bay Co.; but such occupation was a precarious one upon which to found a title.

On the other hand, the United States was in possession of certain claims which had to be considered unless war was to be declared, quite apart from the right or wrong of the case. They were successors in title to Spain, which by the treaty of Florida in 1819 had ceded all her claims to territory north of 42°. They were successors to France under the Louisiana Purchase to any title which she might have possessed, and there is no doubt that Gray, the master of the United States trading vessel, was the first to sail upon the Columbia River, knowing it to be a river, and that Lewis and Clark were the first to explore the lower portion of the river and its branches.

The title of the United States was good enough to have warranted them in proceeding with the settlement of the territory, or, rather, to allow the migration of their own citizens which had been going on and say nothing about it. Douglas had the right of it when he recommended that the territories be organized and settled without attempt to define the boundaries, but under sudden need and by mutual good will the dispute was composed.

BREEDERS OF NEW WARS.

All questions arising out of the treaty of Paris have been for the most part settled, and at the first view there is nothing further to discuss. But that is an antiquated view. A time comes when even a treaty may become a legitimate subject of discussion. Many such treaties are being discussed at the present moment. A treaty is not forever final, as is proved by the long contest over Alsace-Lorraine, and it is quite certain that many other treaties are due for revision. Wars breed treaties and these in turn are the causes of new wars unless they are revised in the light of fresh events. The continuous validity of a treaty depends upon the continuation of the circumstances in which it was created. As between the United States and England, the circumstances in which the treaty of Paris was formulated have completely passed away. Yet it is historically important to recall them to mind in order to understand the genesis of the treaty.

England was defeated disastrously at Yorktown, October 19, 1781, and after the surrender of Cornwallis held only New York and Charleston on the American coast. But both sides were determined on peace, although neither fully appreciated the extremity of the other. England was sufficiently committed in Europe, and the military and financial outlook of the Colonies was none too promising. The colonial treasury was empty and the Army was clamoring for pay. Washington had reported that it was impossible to recruit his forces and that the arrears of debt and the slender public credit made further exertions impossible.

In Europe, England had been fighting France, Spain, and Holland for 25 years. In 1782 she faced the armed neutrality of Russia, Sweden, Denmark, Prussia, and the Empire; that is, practically the whole world of that day. In November, 1781, a loan of £21,000,000 realized only £12,000,000. The national debt had risen to £80,000,000. In the autumn of 1782 fresh disaster came. The fleet of Kempenfeldt was too feeble even to face a French squadron. St. Eustatia, Demerara, Essequibo, St. Christopher, Nevis, Montserrat, and Minorca were lost. Gibraltar had been beleaguered since 1779.

Again, Canada at the time had merely a nebulous existence. To Mr. Oswald, one of the negotiators of the treaty, "the back lands of Canada was a country worth nothing and of no importance." To so well informed a man as Burke its value was only that of a few hundred wildcat skins. Voltaire, for the French, had long since described it as nothing more than a few acres of snow. The American commissioners did not hesitate to put in a plea that "England should make a voluntary offer of Canada," and Benjamin Vaughan on the opposing side has left it on record that "many of the best men in England were for giving up Canada and Nova Scotia."

ENGLAND'S LAST EXTREMITY.

The treaty of Paris was executed in England's last extremity. Lord Shelbourne, the secretary for home affairs, although in 1766 he attacked the policy of the stamp act and assisted in passing its repeal and in 1768 opposed coercive measures against the colonists, was obliged to declare in 1782 that "to nothing short of necessity would he give way." But he yielded in the best possible temper. On July 27, 1782, he wrote to Oswald: "You very well know that I have never made a secret of the deep concern I feel in the separation of countries united by blood, by principles, habits, and every tie short of territorial proximity. But you very well know that I have long since given it up, decidedly though reluctantly, and the same motives which made me, perhaps, the last to give up all hope of reunion make me most anxious, if it is given up, that it shall be done decidedly so as to avoid all future risk of enmity, and by the foundation of a new connection better adapted to the present temper and interests of both countries."

FRANCE VERSUS AMERICA.

In the making of the treaty of Paris the French were strong opponents of the Americans. De Vergennes was quite willing that the Colonies should be independent, but he desired to shut them in between the Alleghenies and the Atlantic. He would prevent them from having fishing rights on the shores of Newfoundland. He demanded large concessions for France in return for assistance afforded, and supported Spain in the contention that the possession of "Florida" involved the territory between the Alleghenies and the Mississippi as far as the Great Lakes. The defeat by Rodney of the French Fleet under De Grasse put an end to these pretensions and secured this region for the United States.

Under force of circumstances and for reasons which at the time seemed adequate, England, in order to insure the continuity of her institutions, was obliged to place the kingship in a line which had long been bred in Germany and was indoctrinated with German thought. England herself was in bondage and striving to mold this new line of kings to her needs. The struggle between England and her kings lasted for a hundred years, and the American war was merely an incident arising out of that struggle.

The best part of England was on the side of the Americans, because they also were seen to be striving for liberty. When the stamp act was repealed the joy in London was as great as the joy in Boston. The people were no party to the war; it was declared in opposition to the intelligence of Burke and Fox, of Rockingham, of Chatham, and even of Parliament itself. It was a king's war, encouraged by the servility of North and the perversity of Hillsborough. As a result it left little animosity as a legacy to a later generation, and all that has long since passed away.

On November 30, 1782, a preliminary treaty was arranged with the Thirteen Colonies, which was designed "to lay the foundation of future good will and to leave as few causes of future difference as possible between the two nations." Freed to this extent, England beat the Spaniards off from Gibraltar, and as a result effected a peace with France as well as with Spain, and arranged a truce with Holland, which passed into amity and has endured until this day. The pacte de famille between the French and Spanish Bourbons was broken and the liberty of Europe was saved.

ARTICLE 19 APPLICABLE.

In this treaty of Paris there are the very conditions, specified in article 19 of the league of nations, which are fatal to the existence of Canada as a national entity. They have not yet begun to show themselves; if they lie dormant they are none the less real. They will disclose themselves in time as surely as the conditions which led up to the Oregon award. But the situation will be much more grave. There can be no arbitration, since there is nothing to arbitrate. The treaty itself is the bar.

The present moment of passionate enthusiasm for a common cause should not be allowed to pass. It should be seized for the removal of a danger to the future peace. That danger is far in the future, and can only be removed by an act of generosity, wisdom, and self-abnegation on the part of the United States. That act is the return to Canada of the outpost which fell to the United States as the spoil of war, which is of little importance to them, and is of the very life of Canada. Once the wisdom of this concession is admitted, the method then becomes a subject of consideration. The difficulties are great, but not insuperable if the problem is approached with a full realization of its importance. One State alone is involved in respect of territory, namely, the State of Maine.

A SLICE OF MAINE.

The new boundary that suggests itself is an extension of the line of 45° north latitude, which forms the boundary farther to the west; but this would involve a surrender of more territory than is actually necessary to afford a direct outlet to the sea. The natural line is that followed by the Canadian Pacific Railway between the two points, Megantic in Quebec and McAdam in New Brunswick. The area of Maine is 33,000 square miles, and the area north of the Canadian Pacific Railway is estimated at 8,000 square miles. But the land is thinly settled and unsuitable for cultivation, except along the Aroostook River.

The population of Maine is 700,000, but seven-eighths of it lie below this line, and of this population 10 per cent is Canadian born; only one-third of the State is composed of land fit for cultivation, and of this only one-third, or one-ninth of the whole, is improved; but only one-sixth of the improved land, or less than 2 per cent of the whole, is under crop other than hay and forage. The average size of the farms is 106 acres, and of these there are only 60,000 in the whole State.

Two complementary methods suggest themselves:

1. That the matter should be referred by the American Government, after exhaustive investigation, to the occupants of the area concerned with a recommendation that they should elect to constitute themselves a Province of Canada, with all the privileges, securities, and guaranties of such a Province. The nature of these privileges, securities, and guaranties would be a fitting subject of public education to convince the people that their liberties would be as well conserved under the proposed arrangement as at present.

2. That those objecting to the transfer should have their property expropriated and equitably paid for out of Federal funds. This process is familiar to all Governments which require private property for public use.

An exhaustive survey of the area involved, its population, properties, and resources would be necessary, but much of this information is easily available in the census returns. To enumerate them in detail would be indelicate; it would be like making an inventory of another man's property.

WILL AMERICA GIVE IT UP?

Will the Americans give back to us this area which they took from us by force at a time when we were fighting alone in Europe against a tyranny which was of much the same kind? The case is now laid before them unofficially and by way of suggestion. If it were reinforced, it is highly probable that they would see the wisdom and humor of handing back to us what is of little value to them, but of life importance to us. It would be a proof of mutual forgiveness, a sign to the world of an alliance, and of the new spirit which has begun to prevail in all relations between free peoples. If it were done quickly, it would bring conviction to the old enemies that there is no further use in contending against a new world.

Such a proposal as this is one which might more properly come from the United States, as it is their territory which is involved. But one nation can not be expected to originate a proposal which is of minor importance to itself, although it may concern the very existence of another. And yet it is of the profoundest interest to the United States that Canada should be allowed to develop freely in accordance with the laws of history and of nature, rather than that she should be persuaded to mold a blighted future behind a barrier which was imposed merely by a treaty drawn up far in advance of events.

We are a small and a poor people. Before this war we had pledged our future for as long a time as human vision could reach in developing the widespread territory which was committed to our care. One-quarter of our adult male population went overseas. Many of those who returned are broken men, and yet compelled to sustain the burden which the war has imposed.

SATIRICAL OR SERIOUS?

It may be urged that this barrier against future development exists merely in our minds and sentiments; but nationality itself is an affair of sentiment, which none appreciate better than the people of the United States. This proposal for an act of generosity on their part will, it is believed, appeal to their just and generous nature and will be entirely in harmony with that spirit of idealism which impelled them to come to the relief and rescue of the distressed nations of the world which were striving to be free and to remain in freedom. Here is a master chance for putting the league of nations to the test.

Mr. SMITH of Georgia. Mr. President, I sent up some reservations some little time ago. I ask to have them read.

The VICE PRESIDENT. The reservations offered by the Senator from Georgia will be read.

The SECRETARY. It is proposed to amend the reservation offered by the Senator from Nebraska on article 10 by adding the following:

And that the United States declines to assume any obligation under article 10 to preserve as against external aggression the territorial integrity or existing political independence of any member of the league.

Also the following:

1. Reserve for a vote in the Senate the amendments offered by the Senator from North Dakota [Mr. McCUMBER] to the first reservation.

2. Amend the sixth reservation by striking out the words "is to be interpreted by the United States alone and."

3. Amend the seventh reservation by striking out the words "withholds its assent to articles 156, 157, and 158."

4. Add the additional reservation, to be numbered next after the last reservation adopted prior to its presentation:

"The United States will decline to participate in the organization of labor provided for in Part XIII unless the Congress of the United States shall hereafter approve and direct such participation."

Mr. GORE. I wish to give notice of reserving the right to offer an amendment, on the last line of page 515, in article 427, striking out the word "merely."

I now send to the desk a reservation which I shall offer at the proper time, and ask to have it read and printed in the RECORD and lie on the table; and I wish to call Senators' attention to the fact that it is a literal transcript of the condition attached by the American delegation to The Hague Conventions of 1899 and 1907.

The VICE PRESIDENT. Does the Senator want it read?

Mr. LODGE. I ask to have it read.

The VICE PRESIDENT. It will be read.

The SECRETARY. The Senator from Oklahoma proposes the following additional reservation:

No. —. Nothing contained in this treaty or covenant shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions or policies or internal administration of any foreign State; nor shall anything contained in the said treaty or covenant be construed to imply a relinquishment by the United States of America of its traditional attitude toward purely American questions.

Mr. BRANDEGEE. Mr. President, I think it is rather important that there should be a clear understanding of the parliamentary situation involved in the statement of the Chair.

Mr. JOHNSON of California. Mr. President, will the Senator yield for a moment?

Mr. BRANDEGEE. Yes; if I may.

Mr. JOHNSON of California. It has just been called to my attention that under the cloture rule a reservation now offered must be read in order to be hereafter effective; and I will ask the Senator if he will permit the reservation to which I have just called attention, and which has been introduced, to be read, in order to comply with the delightful cloture rule?

Mr. BRANDEGEE. Why, certainly.

The VICE PRESIDENT. The Secretary will read the reservation.

The Secretary read as follows:

The Senate of the United States advises and consents to the ratification of said treaty with the following reservations and conditions, anything in the covenant of the league of nations and the treaty to the contrary notwithstanding:

When any member of the league has or possesses self-governing dominions or colonies or parts of empire which are also members of the league the United States shall have representatives in the council and assembly and in any labor conference or organization under the league or treaty numerically equal to the aggregate number of representatives of such member of the league and its self-governing dominions and colonies and parts of empire in such council and assembly of the league and labor conference or organization under the league or treaty; and such representatives of the United States shall have the same powers and rights as the representatives of said member and its self-governing dominions or colonies or parts of empire; and upon all matters whatsoever, except where a party to a dispute, the United States shall have votes in the council and assembly and in any labor conference or organization under the league or treaty numerically equal to the aggregate vote to which any such member of the league and its self-governing dominions and colonies and parts of empire are entitled.

Whenever a case referred to the council or assembly involves a dispute between the United States and another member of the league whose self-governing dominions or colonies or parts of empire are also represented in the council or assembly, or between the United States and any dominion, colony, or part of any other member of the league, neither the disputant members nor any of their said dominions, colonies, or parts of empire shall have a vote upon any phase of the question.

Whenever the United States is a party to a dispute which is referred to the council or assembly, and can not, because a party, vote upon such dispute, any other member of the council or assembly having self-governing dominions or colonies or parts of empire also members, upon such dispute to which the United States is a party or upon any phase of the question shall have and cast for itself and its self-governing dominions and colonies and parts of empire, all together, but one vote.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Idaho?

Mr. BRANDEGEE. Mr. President, if I may be indulged a moment, I understand that the effect of the answer of the Chair to the parliamentary inquiry raised by the Senator from Washington was that even though a Senator has the floor, under the cloture rule amendments should have precedence, and the Senator having the floor must yield to their introduction. I therefore yield to the Senator from Idaho.

Mr. BORAH. Mr. President. I offer a reservation to article 11, and ask that it may be read.

The VICE PRESIDENT. The reservation will be read.

The Secretary read as follows:

Reservation to article 11: The United States shall not be bound by this article.

Mr. LA FOLLETTE. Mr. President—

Mr. BRANDEGEE. I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. Some days ago I presented and had printed certain reservations which I propose to offer. I believe they have been read.

Mr. OWEN. They were read.

Mr. LA FOLLETTE. But I do not propose to be shut out by any strict construction of the rule after we get past the time of offering them. Therefore I give notice now that I will present and ask for a vote upon the reservations which I send to the desk and which I now ask to have read.

The VICE PRESIDENT. The reservations will be read.

The Secretary read as follows:

1. That nothing contained in article 2 of the league covenant, or any other provision thereof, shall be construed to deny to the people of Ireland, India, Egypt, Korea, or to any other people living under a Government which, as to such people, does not derive its powers from the consent of the governed, the right of revolution or the right to alter or abolish such government, and to institute a new government, laying its foundations in such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness.

2. The United States hereby gives notice that it will withdraw from the league at the end of one year from the date of the exchange of ratifications of this treaty, unless within that time each member of the league shall abolish and discontinue the policy of maintaining its army or navy in time of peace by conscription.

3. The United States hereby gives notice that it will withdraw from the league at the end of five years from the date of the exchange of ratifications of this treaty, unless within that time each member of the league shall have agreed that in no case will it resort to war except to suppress an insurrection or repel an actual invasion of its territory, until an advisory vote of its people has first been taken on the question of peace or war.

4. The United States hereby gives notice that it will withdraw from the league of nations at the end of any year during a period of five years from the date of the exchange of ratifications of this treaty, unless during each and every year of the five-year period every member of the league now expending in excess of \$50,000,000 for the maintenance of its military forces or in excess of a like sum for the maintenance of its naval establishment, shall fail to reduce such expenditures by a sum equal to one-fifth of the amount, by which the total annual expenditure for the maintenance of military forces or naval establishment, respectively, exceeds the sum of \$50,000,000 for either, to the end that by the close of the period of five years from the date of the exchange of ratifications of this treaty no member of the league of nations shall expend for the maintenance of its military forces or its naval establishment, respectively, an amount in excess of \$50,000,000 per annum; and the United States gives notice that it will withdraw from the league of nations at the end of any year thereafter whenever any member expends for the maintenance of its military forces, or its naval establishment, respectively, an amount in excess of \$50,000,000 per annum.

5. The United States hereby gives notice that it will withdraw from the league of nations whenever any member or members of the league of nations shall attempt to acquire the whole or any part of the territory of any member or of any nation not a member of the league of nations against the will and without the full and free consent of the people of such member or of such nation not a member of the league of nations.

6. The United States hereby gives notice that it will withdraw from the league of nations whenever any member, exercising a mandate or a protectorate over any country, or claiming and exercising a sphere of influence in or over any country, shall, without the free and full consent of the people of such country, appropriate the natural resources thereof, or shall, directly or indirectly, aid any individual or corporation alien to such country to acquire any right or title to, or any concession in its natural resources, or right or title to its property, real or personal, or shall fail or neglect, within such authority or influence as it may properly exercise, to preserve in trust for the people of such country all right and title to and in its natural resources and real and personal property, or shall fail to exercise such mandate, protectorate, or sphere of influence over such country for the sole benefit of the people thereof.

Mr. JONES of Washington. Mr. President—

Mr. BRANDEGEE. I yield.

Mr. OWEN. Mr. President—

Mr. BRANDEGEE. I have yielded to the Senator from Washington.

Mr. OWEN. I wish to offer three reservations.

Mr. BRANDEGEE. So does the Senator from Washington.

Mr. OWEN. Is the Senator proposing to take the floor and not permit reservations to be offered?

Mr. BRANDEGEE. No; I have the floor, and the Chair ruled that proposed amendments are in order in preference to a Senator having the floor. I am yielding as fast as I can.

Mr. OWEN. Very well.

Mr. JONES of Washington. I desire to present two reservations, in the form of amendments, to be proposed to the pending resolution, and ask that they be read.

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

Reservation intended to be proposed by Mr. JONES of Washington as an amendment to the resolutions proposed as a part of the resolution of ratification of the treaty of peace with Germany.

The representative of the United States on the council of the league of nations shall not give his consent to any proposal under any provisions of the covenant of the league of nations which may involve the use of the military or naval forces of the United States until such proposal shall be submitted to the Congress and the Congress shall authorize him to give his consent thereto.

Reservation intended to be proposed by Mr. JONES of Washington as an amendment to the resolutions proposed by the Committee on Foreign Relations, as a part of the resolution of ratification of the treaty of peace with Germany, viz:

Paragraph —. The United States hereby gives notice that it will withdraw from the league of nations at the end of two years from the date of the exchange of ratifications of this treaty unless by the end of that period—

(1) The sovereignty of China shall have been fully restored over and in Shantung.

(2) The relations of Ireland to the British Empire shall have been adjusted satisfactorily to the people of Ireland.

(3) The independence of Egypt shall be recognized and that country set up as a free, independent, and sovereign State.

(4) Each member of the league shall have abolished through the duly constituted authority the policy of maintaining its regular military and naval forces in time of peace by conscription.

Mr. OWEN. I present three reservations, which I ask to have read. I shall offer them at the proper time.

The VICE PRESIDENT. They will be read.

The Secretary read as follows:

The protectorate in Great Britain over Egypt is understood to be merely a means through which the nominal suzerainty of Turkey over Egypt shall be transferred to the Egyptian people, and shall not be construed as a recognition by the United States in Great Britain of any sovereign rights over the Egyptian people or as depriving the people of Egypt of any of their rights of self-government.

The United States holds that the principles covered by the letter of the Secretary of State of November 5, 1918, as the conditions upon which the armistice was based are binding and the covenant of the league must be interpreted in accordance with those principles.

Resolved, That the United States in ratifying the covenant of the league of nations does not intend to be understood as modifying in any degree the obligations entered into by the United States and the Entente Allies in the agreement of November 5, 1918, upon which as a basis the German Empire laid down its arms. The United States regards that contract to carry out the principles set forth by the President of the United States on January 8, 1917, and in subsequent addresses, as a world agreement, binding on the great nations which entered into it, and that the principles there set forth will be carried out in due time through the mechanism provided in the covenant, and that article 23, paragraph (b), pledging the members of the league to undertake to secure just treatment of the native inhabitants under their control, involves a pledge to carry out these principles.

Mr. BRANDEGEE. Mr. President, I wanted to call the attention of the Chair to a rule of the Senate, and then make a parliamentary inquiry. I do this not because I am not satisfied that the Chair is quite as familiar with the rule as any of the rest of us, but simply for the purpose of the record. The third

paragraph of Rule XXXVII, entitled "Executive sessions—Proceedings on treaties," provides, among other things, as follows:

The proceedings had, as in Committee of the Whole, shall be reported to the Senate, when the question shall be, if the treaty be amended. Will the Senate concur in the amendments made in the Committee of the Whole? And the amendments may be taken separately, or in gross, if no Senator shall object; after which new amendments may be proposed.

Then the next paragraph reads as follows:

The decisions thus made shall be reduced to the form of a resolution of ratification, with or without amendments, as the case may be, which shall be proposed on a subsequent day, unless by unanimous consent the Senate determine otherwise, at which stage no amendment shall be received, unless by unanimous consent.

Mr. President, my view of that is that only things can go into the resolution of ratification which the Senate has decided shall go in, because the rule says:

The decisions thus made—

Referring to the proceedings of the Committee of the Whole and in the Senate, as to amendments, and so forth—shall be reduced to the form of a resolution of ratification.

Which, of course, in my opinion, absolutely precludes what the Senator from Nebraska [Mr. Hitchcock] calls a substitute resolution of ratification, containing an entirely different set of propositions from those which the rule says, as decisions of the Senate, shall be incorporated in the resolution of ratification.

Mr. LODGE and Mr. LENROOT addressed the Chair.

Mr. BRANDEGEE. I yield to the Senator from Massachusetts.

Mr. LODGE. I rose merely to give notice that at the proper time I shall offer the following amendment to the reservations which I have presented:

Resolved (two-thirds of the Senators present concurring therein), That the Senate do advise and consent to the ratification of the treaty of peace with Germany concluded at Versailles on the 28th day of June, 1919, subject to the following reservations, understandings, and interpretations, which shall be made a part of the instrument of ratification—

And so forth.

Mr. BRANDEGEE. Now I yield to the Senator from Wisconsin.

Mr. LENROOT. I would like to ask the Senator this question: The position he now takes, which I think is correct, is entirely separate from the question of cloture, and is not affected by the cloture?

Mr. BRANDEGEE. It has nothing to do with it at all. I am not discussing the question of cloture. I am discussing the question, which the Chair well knows is the vital question, which lies at the bottom of all the proceedings, as to whether the so-called substitute proposal of the Senator from Nebraska [Mr. Hitchcock] is in order, being a new resolution of ratification, containing things that he would like to see in the resolution of ratification but not the things that the Senate has decided shall be put in the resolution of ratification, and as to which the rule is mandatory, saying that it shall be reduced to the form of a resolution of ratification.

Mr. LODGE. Will the Senator yield that I may ask the Chair a question?

Mr. BRANDEGEE. I yield.

Mr. LODGE. I should like to ask if it is necessary, in the opinion of the Chair, that the reservations which I offered and which were read must be reread now?

The VICE PRESIDENT. The Chair thinks if they have been read once, that is sufficient.

Mr. LODGE. They have been read once.

Mr. SMITH of Georgia. Mr. President—

Mr. BRANDEGEE. I yield to the Senator for a question.

Mr. WALSH of Montana. Mr. President, I rise to a point of order.

Mr. SMITH of Georgia. Will the Senator from Connecticut allow me to inquire whether the reservations offered by the Senator from Nebraska [Mr. Hitchcock] are to be considered as a substitute?

The VICE PRESIDENT. The Senator from Montana [Mr. WALSH] rises to a point of order. The Senator from Montana will state his point of order.

Mr. WALSH of Montana. I understood the Chair to rule that debate was out of order so long as any Senator wanted to tender an amendment. I tender an amendment.

The VICE PRESIDENT. The Secretary will read the amendment intended to be proposed by the Senator from Montana.

The Secretary read as follows:

3. Add, at the end of the proposed reservation indicated, the following: "Provided, however, That the United States assumes for the period of five years with the other members of the league the obligation of said article 10 as to the following Republics, to wit: Poland, Czechoslovakia, and the Serb-Croat-Slovene State."

Mr. WALSH of Montana. I attach a memorandum to the effect that I shall present it in the Senate. It is the same as the amendment proposed as in the Committee of the Whole.

Mr. PITTMAN. I present the following proposed reservations so that they may be considered. I ask that they be read, and I shall call them up at the proper time.

The VICE PRESIDENT. The Secretary will read the reservations intended to be offered by the Senator from Nevada.

The Secretary read as follows:

3. The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether members of the league or not—under the provisions of article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide: *Provided, however,* That this reservation shall not apply to the newly created Czechoslovak Republic, the Polish Republic, the Kingdom of the Serbs, Croats, and Slovenes, the Kingdom of Belgium, the Republic of France, in all of which cases the provisions of article 10 shall remain without qualification for five years.

The Senate of the United States of America advises and consents to the ratification of said treaty with the following reservations and understandings as to its interpretation and effect to be made a part of the instrument of ratification:

First. That whenever two years' notice of withdrawal from the league of nations shall have been given, as provided in article 1 of the covenant, the power giving the notice shall cease to be a member of the league, or subject to the obligations of the covenant of the league, at the time specified in the notice, notwithstanding any claim, charge, or finding of the nonfulfillment of any international obligation or of any obligation under said covenant: *Provided, however,* That such withdrawal shall not release the power from any debt or liability theretofore incurred.

Second. That questions relating to immigration, or the imposition of duties on imports, where such questions do not arise out of any international engagement, are questions of domestic policy, and these and any other questions which, according to international law, are solely within the domestic jurisdiction are not to be submitted for the consideration or action of the league of nations or of any of its agencies.

Third. That the meaning of article 21 of the covenant of the league of nations is that the United States of America does not relinquish its traditional attitude toward purely American questions, and is not required by said covenant to submit its policies regarding questions which it deems to be purely American questions to the league of nations or any of its agencies, and that the United States of America may oppose and prevent any acquisition by any non-American power by conquest, purchase, or in any other manner of any territory, possession, or control in the Western Hemisphere.

Fourth. That the meaning of article 16 of the covenant of the league of nations is that the members of the league are not under any obligation to act in pursuance of said article except as they may decide to act upon the advice of the council of the league. The United States of America assumes no obligation under said article to undertake any military expedition or to employ its armed forces on land or sea unless such action is authorized by the Congress of the United States of America, which has exclusive authority to declare war or to determine for the United States of America whether there is any obligation on its part under said article and the means or action by which any such obligation shall be fulfilled.

Mr. WALSH of Massachusetts. Mr. President—

Mr. BRANDEGEE. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. I offer several reservations relating to the same subject matter. I ask that they may be printed, and I reserve the right to offer one or all of them later.

The VICE PRESIDENT. The Secretary will read the reservations intended to be offered by the Senator from Massachusetts.

The Secretary read as follows:

Reservations and amendments to reservations to be proposed by Senator WALSH of Massachusetts, as follows:

"1. That in ratifying the peace treaty, including the covenant for a league of nations, the Senate of the United States so acts on the express understanding that nothing in article 10 of the covenant or elsewhere therein shall be construed to prevent a member of the league from extending to any people struggling to achieve self-government such assistance as was extended to the Thirteen Colonies by France in the War of the Revolution and by the United States to Cuba in the War with Spain.

"2. *Provided, however,* That nothing herein contained shall be construed as an obligation on the part of the United States to warrant or defend any dominion, colony, or subject nation now established or which may be hereafter established by one people over any other against their consent.

"3. Nothing in article 10 or elsewhere in the said covenant shall be construed as denying to the Government of these United States of America the right to extend sympathy and support to any people who may be struggling to establish their independence.

"4. The provisions of article 11 shall in no respect abridge the rights of free speech, the liberty of the press, and the advocacy of the principles of national independence and self-determination of any people or peoples; and no circumstances directly related to the enjoyment of any of the aforesaid rights shall be construed as providing any member of the league with cause to declare that the exercise of such aforesaid rights as heretofore construed under the provisions of the Constitution of the United States warrants the assembly or council in determining what course of action, legal measures of control, or regulation shall be enforced or prescribed by the United States.

"5. That the covenant of the league of nations shall be, and it is, construed to give the right to any peoples or nations that have, or has heretofore had, a national existence, at any time, recognized by the

United States by treaty or otherwise, to present and have heard before the assembly its or their claims for the right of self-government and self-determination and its or their right to become a recognized nation of the world. All such claim or claims, presented by petition to the secretary general, shall be by him laid before the assembly at the next meeting thereof, held after the presentation of such petition or petitions or such claim or claims may be presented by any member of the council or assembly."

Mr. KING. Mr. President, I offer the following reservation to article 10.

Mr. BRANDEGEE. Mr. President, I rise to make a parliamentary inquiry; and then I shall yield the floor and let all amendments in, as I realize the stress. I understand the Chair has stated, in reply to the parliamentary inquiry of the Senator from Nebraska [Mr. HITCHCOCK], that he is going to express an opinion as to how he will rule when certain things are offered later. I ask the Chair whether the Chair holds that when he has expressed that opinion, if a Senator desires to differ with him, or test it before the Senate, he must then appeal from the opinion of the Chair as to how he will rule in the future, or whether he is estopped from an appeal?

The VICE PRESIDENT. The Chair is going to express his opinion before Senators vote upon the question of cloture.

Mr. BRANDEGEE. The Chair then does not rule that later on, when he does rule, an appeal will not be in order?

The VICE PRESIDENT. The view of the Chair, perhaps a mistaken one, is that the opinion of the Chair should be in the minds of Senators when they vote on the question of cloture.

Mr. BRANDEGEE. We will have an opportunity to appeal then later?

The VICE PRESIDENT. Yes. Now let the amendments be read. The Senator from Utah [Mr. KING] has one, which the Secretary will read.

The Secretary read as follows:

The United States declines to assume any obligation arising under article 10, to preserve the territorial integrity or political independence of the States which are members of the league, except by such action as may be recommended by the council of the league, and such as may be required under other articles of the covenant of the league.

Mr. HALE. I submit the following amendment and ask that it be read.

The VICE PRESIDENT. It will be read.

The Secretary read as follows:

On line 7, after "the words "domestic questions," insert the following: "and all questions affecting the present boundaries of the United States and its insular or other possessions."

Mr. KING. I ask to have the following reservation read.

The VICE PRESIDENT. It will be read.

The Secretary read as follows:

The United States withholds its assent to Part XIII, comprising articles 387 to 427, inclusive, of the said treaty of peace, and excepts and reserves the same from the act of ratification, and the United States declines to participate in any way in the said general conference, or to participate in the election of the governing body of the international labor office constituted by said articles, and declines in any way to contribute or be bound to contribute to the expenditures of said general conference or international labor office.

Mr. GORE. Mr. President, I wish to state that the amendment of which I gave notice a few minutes ago, in regard to striking out the word "merely," I now offer as an amendment, so that it will be pending and in order.

The VICE PRESIDENT. The Chair lays the following motion before the Senate dated Washington, D. C., November 12, 1919:

The undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, move that debate upon the pending measure—the treaty of peace with Germany—be brought to a close.

Mr. HITCHCOCK. Mr. President, I rise to a point of order. The President pro tempore of the Senate, in the chair at the last session of the Senate, ruled against me that it was not competent for the cloture resolution to state what was the pending measure. I had stated that the pending measure was the reservation of the Senator from Massachusetts [Mr. LODGE], and the President pro tempore ruled that it was not competent for the motion to state what it was, but that was to be left for decision.

Mr. BRANDEGEE. I desire to be heard on that.

Mr. LODGE. I ask for the ruling of the Chair.

The VICE PRESIDENT. As the President pro tempore, the Senator from Iowa [Mr. CUMMINS], has stated the opinion of the Chair as to what the pending question is, the Chair overrules the point of order. The Secretary will call the roll in accordance with the rule.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Beckham	Calder	Cott
Ball	Borah	Capper	Culberson
Bankhead	Brandeggee	Chamberlain	Cummins

Curtis	Johnson, S. Dak.	Nelson	Smith, Ga.
Dial	Jones, N. Mex.	New	Smith, Md.
Dillingham	Jones, Wash.	Newberry	Smith, S. C.
Edge	Kellogg	Norris	Smoot
Elkins	Kendrick	Nugent	Spencer
Fall	Kenyon	Overman	Stanley
Fletcher	Keyes	Owen	Sterling
France	King	Page	Sutherland
Frelinghuysen	Kirby	Penrose	Swanson
Gay	Knox	Phelan	Thomas
Gerry	La Follette	Phipps	Townsend
Gore	Leahoot	Pittman	Trammell
Gronna	Lodge	Pomerene	Underwood
Hale	McCormick	Ransdell	Wadsworth
Harding	McCumber	Reed	Walsh, Mass.
Harris	McKellar	Robinson	Walsh, Mont.
Harrison	McLean	Sheppard	Warren
Henderson	McNary	Sherman	Watson
Hitchcock	Moses	Simmons	Williams
Johnson, Calif.	Myers	Smith, Ariz.	Wolcott

The VICE PRESIDENT. Ninety-two Senators have answered to their names. There is a quorum present.

Rule XXII provides:

If at any time a motion, signed by 16 Senators, to bring to a close the debate upon any pending measure is presented to the Senate, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct the Secretary to call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by an yeas-and-nays vote the question:

"Is it the sense of the Senate that the debate shall be brought to a close?"

Before this vote is taken the present occupant of the chair feels that it is advisable to state the views of the Chair with reference to the rules of the Senate.

Mr. BRANDEGEE. Will the Chair be kind enough to repeat what he has said? We could not possibly hear it.

The VICE PRESIDENT. The Chair said that before voting upon the question of cloture the Chair thought it fair to state the opinion which the Chair entertains with reference to the rules of the Senate. The Chair believes that the President pro tempore, the Senator from Iowa [Mr. CUMMINS], has correctly stated—

Mr. LA FOLLETTE. Mr. President, I rise to a point of order. My point of order is that one hour after the Senate met to-day it became the duty of the Vice President to submit the question of cloture to the Senate. I make the point of order that it should be submitted now, under the rule, without further delay.

The VICE PRESIDENT. The Chair has read the rule. It says "without debate." The Chair is not debating.

Mr. LA FOLLETTE. If the Chair will permit me, the rule provides that—

If at any time a motion, signed by 16 Senators, to bring to a close the debate upon any pending measure is presented to the Senate, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one he shall lay the motion before the Senate and direct the Secretary to call the roll.

The Chair has no more right to make a speech than any of the rest of us.

The VICE PRESIDENT. The Senator does not read all of the rule. That is the difficulty.

Mr. LA FOLLETTE. I make that point of order.

The VICE PRESIDENT. The rule further provides that the roll shall be called—

and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate—

And so forth.

The present Presiding Officer overrules the point of order.

Mr. LA FOLLETTE. From that decision I appeal.

Mr. ASHURST. I move that the appeal be laid on the table.

The VICE PRESIDENT. The question is on laying the appeal on the table.

Mr. LODGE. We have been debating already.

Mr. LA FOLLETTE. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary called the roll.

Mr. JONES of Washington. I desire to announce that my colleague [Mr. POINDEXTER] is necessarily absent on official business.

The result was announced—yeas 62, nays 30, as follows:

YEAS—62.

Ashurst	Gay	King	Phelan
Ball	Gerry	Kirby	Phipps
Bankhead	Hale	McCumber	Pittman
Beckham	Harding	McKellar	Pomerene
Borah	Harris	McLean	Ransdell
Capper	Harrison	McNary	Robinson
Chamberlain	Henderson	Myers	Sheppard
Culberson	Hitchcock	Nelson	Shields
Cummins	Johnson, S. Dak.	Newberry	Simmons
Dial	Jones, N. Mex.	Nugent	Smith, Ariz.
Edge	Kellogg	Overman	Smith, Ga.
Fletcher	Kendrick	Owen	Smith, Md.

Smith, S. C.
Stanley
Sterling
Swanson

Thomas
Townsend
Trammell
Underwood

Wadsworth
Walsh, Mass.
Walsh, Mont.
Warren

Williams
Wolcott

NAYS—30.

Brandegee
Calder
Colt
Curtis
Dillingham
Elkins
Fall
Fernald

France
Frelinghuysen
Gronna
Johnson, Calif.
Jones, Wash.
Kenyon
Keyes
Knox

La Follette
Lenroot
Lodge
McCormick
Moses
New
Norris
Page

Peatrose
Sherman
Smoot
Spencer
Sutherland
Watson

NOT VOTING—3.

Gore Poindexter Reed

So the appeal from the decision of the Chair was laid on the table.

The VICE PRESIDENT. The Chair was about to say that the question of the consideration of this treaty under the rules of the Senate is an extremely vexatious one. By section 5 of Article I of the Constitution "each House may determine the rules of its proceedings." By section 2 of Article II the President is given the power, "by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur." The Chair is of the opinion that the constitutional right of the Senate to advise and consent to the making of a treaty by the President, in such terms and under such conditions and with such amendments or such reservations as it may desire to make, rests exclusively with the Senate, and can not be taken away from the Senate by any strained construction of the rules.

The Chair believes that after one resolution of ratification containing reservations has been rejected by the Senate, if a majority of the Senators so desire they may present other resolutions of ratification, in the hope in some way, with reservations, that the treaty may be ratified. It is always within the power of the majority of the Senate to construe its rules, and thus it is within the power of the majority of the Senate to keep this treaty before the Senate. It can dispose of it by taking up other business, by recommitting it to the Committee on Foreign Relations, by referring it to a special committee, or by sending it back to the President and saying that it will not have anything to do with it; but so long as a majority of the Senators want to try to ratify in some way, as it is usually expressed, this treaty, the majority of the Senate has it within its power so to act. The adoption of the cloture rule, if adopted, will not prevent the majority from attempting to ratify the treaty in some way, although it will end the debate within the period of time provided by that rule.

Mr. REED. Mr. President, a parliamentary inquiry. There being no question before the Senate except the mere matter of cloture, are we to understand that the ruling of the Chair now will constitute such a ruling as will bind the Senate?

The VICE PRESIDENT. Oh, no. The Chair has made no such statement as that. The Chair has simply made his statement in order that Senators may vote on the question of cloture having in mind what the Chair thinks the rules are. When the time comes, if the present occupant of the chair is in the chair, he will rule the way he has indicated; but if he is not, the President pro tempore will not at all be bound by the statement which the present occupant of the chair has made. The question can then be raised.

Mr. REED. That is all I wanted to know.

The VICE PRESIDENT. There is no question about that.

SEVERAL SENATORS. Vote!

Mr. LODGE. Mr. President, I merely desire to make a parliamentary inquiry. Did I understand the Chair to hold that when the reservations now pending and the resolution of ratification are disposed of the cloture rule then expired?

The VICE PRESIDENT. No. The Chair was at one time impressed with the idea that if the resolution of ratification as finally formulated failed of the necessary two-thirds vote it would be needful to move to reconsider in order to take further action on the treaty, but the Chair has drifted away from that view of the question for this reason: In the case of a bill the sole question is, Shall the bill pass? If there were no reservations and the resolution of ratification failed, the Chair would hold the treaty was at an end; but the question that will be now put will not be analogous to the question, Shall the bill pass? If the present reservations are adopted, the question will rather be analogous to the question, Shall the bill pass provided the Supreme Court will hold that section 10 is constitutional, or, Shall the bill pass provided the Supreme Court will hold that it is not applicable to citizens of Massachusetts? That is the reason the Chair has drifted away from the idea that this treaty is the same as a bill.

To put it briefly, the Chair in making the statement now has no purpose except that Senators may consider it and may vote

intelligently upon the question of cloture. The view of the Chair is that if the resolution of ratification, when finally voted upon, is not carried by the constitutional number of votes, another resolution or other resolutions of ratification may be presented and voted upon, if a majority of the Senators desire to try to proceed further with the ratification of the treaty.

Mr. LODGE. Mr. President—

Mr. KNOX. A parliamentary inquiry, Mr. President.

Mr. LODGE. I thought I had the floor.

Mr. KNOX. I beg the Senator's pardon.

Mr. LODGE. I had not finished my inquiry. I shall yield in a moment. I do not think the Chair, if I may be permitted to say so—perhaps I did not put my question very well—answered my inquiry. I wanted to get the opinion of the Chair as to when the cloture rule which is about to be adopted expires.

The VICE PRESIDENT. The opinion of the Chair is that cloture will expire when the Senate either ratifies the treaty or displaces it, or recommits it to the Committee on Foreign Relations, or sends it back to the President and says it will not have anything to do with it.

Mr. LODGE. Then, cloture continues through the entire proceedings in connection with the consideration of the treaty?

The VICE PRESIDENT. It continues through all the proceedings in connection with the consideration of the treaty. If the Chair is not wrong—and it is very possible he may be—it continues until the consideration of the treaty shall have been concluded.

Mr. LODGE. I merely wished to ascertain the view of the Chair upon that matter.

The VICE PRESIDENT. That is the view of the Chair.

Mr. LODGE. One other question. I understood the Chair to say that the expression of opinion of the Chair does not preclude the right of appeal when the ruling is made upon the specific point?

The VICE PRESIDENT. There is no doubt about that. The Chair has no desire to take advantage of a single Senator; and the Chair has no desire even to influence the mind of the President pro tempore if he should happen to be in the chair when a ruling is made; but the Chair believed it was fair to express his views before the vote was had on cloture.

Mr. JONES of Washington. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Washington will state his parliamentary inquiry.

Mr. JONES of Washington. Suppose the Senate finally should refer the treaty back to the committee and the committee later should bring in a report. That report would have to be disposed of then without debate, would it not?

The VICE PRESIDENT. Oh, no; that is not what the cloture rule provides.

Mr. BORAH. I call for regular order.

Mr. TOWNSEND. I should like to make a parliamentary inquiry.

The VICE PRESIDENT. A parliamentary inquiry is in order. The Senator will state it.

Mr. TOWNSEND. I wish to know if I understand correctly the answer of the Chair to the inquiry of the Senator from Massachusetts. If subsequent propositions or resolutions of ratification come up and cloture is adopted, then do I understand that if a Senator has exhausted his hour's time he can not engage in any further debate on the subsequent new propositions which may be submitted to the Senate?

The VICE PRESIDENT. That is the opinion of the Chair, and that is why the Chair made his statement. The Chair thinks the Senate has the right under the Constitution to limit debate upon the question, but he does not think, without the consent of a majority of the Senators, it has a right by its rules to preclude the consideration of this treaty.

SEVERAL SENATORS. Regular order!

The VICE PRESIDENT. The question, Is it the sense of the Senate that the debate shall be brought to a close? The Secretary will call the roll.

The Secretary called the roll, which resulted—yeas 78, nays 16, as follows:

YEAS—78.

Ashurst
Ball
Bankhead
Beckham
Ca'der
Capper
Chamberlain
Colt
Culbertson
Cummins
Curtis
Dial

Dillingham
Edge
Elkins
Fernald
Fletcher
Frelinghuysen
Gay
Gerry
Hale
Harding
Harris
Harrison

Henderson
Hitchcock
Johnson, S. Dak.
Jones, N. Mex.
Jones, Wash.
Kellogg
Kendrick
Kenyon
Kirby
Lenroot
Lodge

McCumber
McKellar
McLean
McNary
Moses
Newberry
Norris
Nugent
Overman

Owen
Page
Phelan
Phipps
Pittman
Ransdell
Robinson
Sheppard

Simmons
Smith, Ariz.
Smith, Ga.
Smith, Md.
Smith, S. C.
Smoot
Spencer
Stanley

Sterling
Sutherland
Swanson
Thomas
Townsend
Trammell
Underwood
Wadsworth

Walsh, Mass.
Walsh, Mont.
Warren
Watson
Williams
Wolcott

Borah
Brandegee
France
Gore

Gronna
Johnson, Calif.
King
Knox

La Follette
McCormick
Penrose
Poindexter

Pomerene
Reed
Sherman
Shields

NAYS—16.

NOT VOTING—1.

Fall

So, two-thirds of the Senators present voting therefor, the motion for cloture was adopted.

The VICE PRESIDENT. Senators, this rule turns the presiding officer into a timekeeper. The Chair wishes the Senate would designate somebody to keep the time. If there is no objection, he is going to ask the Secretary to keep the time of each Senator as he speaks.

Mr. LODGE. Mr. President, I call up the fourth reservation offered by me, on which I asked a separate vote.

The VICE PRESIDENT. The fourth reservation offered by the Senator from Massachusetts will be stated.

The Secretary read as follows:

4. No mandate shall be accepted by the United States under article 22, Part I, or any other provision of the treaty of peace with Germany, except by action of the Congress of the United States.

The VICE PRESIDENT. The question is on reservation No. 4, offered by the Senator from Massachusetts on behalf of the committee.

The reservation was agreed to.

The VICE PRESIDENT. The Secretary will state the next reservation offered by the Senator from Massachusetts.

The Secretary read as follows:

5. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the league of nations, or any agency thereof, or to the decision or recommendation of any other power.

Mr. SMOOT. I call for the yeas and nays.

Mr. WALSH of Montana. Mr. President, before voting on this reservation I desire to inquire of the Senator from Massachusetts if he expects that any or all of the powers mentioned in reservation No. 1—to wit, Great Britain, France, Italy, and Japan—will accept this reservation No. 5 without qualification?

Mr. LODGE. I can not answer for foreign powers. I have not any question that they will.

Mr. WALSH of Montana. The Senator thinks they will?

Mr. LODGE. That is my opinion.

Mr. WALSH of Montana. My understanding is that it operates in this way: If any of these powers urges that a certain question is domestic in character, it is to be determined by the council whether it is or not under the provisions of article 15. If the United States raises it, it itself determines it.

I have the answer of the Senator from Massachusetts. I should like to address the same inquiry to the Senator from North Dakota.

Mr. LODGE. Mr. President, I should like to know if this questioning comes out of my time?

The VICE PRESIDENT. We are charging it up to the Senator from Montana.

Mr. LODGE. It comes out of the time of the Senator who has the floor?

The VICE PRESIDENT. Yes.

Mr. WALSH of Montana. I renew the question which I addressed to the Senator from North Dakota.

Mr. McCUMBER. Mr. President, I did not know that the question was directed to me, and my mind was otherwise engaged.

Mr. WALSH of Montana. I inquired of the Senator from Massachusetts if he expected that any or all of the powers mentioned in reservation numbered 1 would accept unreservedly reservation numbered 5?

Mr. McCUMBER. If the Senator asks me that question, I will answer it.

Mr. BORAH. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BORAH. Does this constitute debate upon the part of these Senators?

The VICE PRESIDENT. That is the ruling of the Chair. We have cloture now. We are going to have cloture, too.

Mr. WALSH of Montana. I inquire of the Senator from North Dakota if he expects that any or all of these powers will accept this reservation?

Mr. McCUMBER. Why, Japan certainly will not accept it, and I am very doubtful if the others will without reservations.

Mr. HITCHCOCK. Mr. President, I offer a substitute for the pending reservation. I send it to the desk and ask to have it read.

The VICE PRESIDENT. The amendment, in the nature of a substitute, will be read.

The Secretary read as follows:

That no member nation is required to submit to the league, its council, or its assembly, for decision, report, or recommendation, any matter which it considers to be in international law a domestic question, such as immigration, labor, tariff, or other matter relating to its internal or coastwise affairs.

Mr. LODGE. Mr. President, a parliamentary inquiry. Was that offered prior to the adoption of the cloture?

The VICE PRESIDENT. The Chair understands so.

Mr. LODGE. Was it read and presented to the Senate?

The VICE PRESIDENT. The Chair so understands. The question is on the amendment of the Senator from Nebraska.

Mr. HITCHCOCK. I call for the yeas and nays.

The yeas and nays were ordered; and, having been taken, the result was announced—yeas 43, nays 52, as follows:

YEAS—43.

Ashurst
Bankhead
Beckham
Chamberlain
Culberson
Dial
Fletcher
Gay
Gerry
Harris
Harrison

Henderson
Hitchcock
Johnson, S. Dak.
Jones, N. Mex.
Kendrick
King
Kirby
McKellar
Myers
Nugent
Overman

Owen
Phelan
Pittman
Pomerene
Ransdell
Robinson
Sheppard
Simmons
Smith, Ariz.
Smith, Ga.
Smith, Md.

Smith, S. C.
Stanley
Swanson
Thomas
Trammell
Underwood
Walsh, Mass.
Walsh, Mont.
Williams
Wolcott

NAYS—52.

Ball
Borah
Brandegee
Gore
Calder
Capper
Colt
Cummins
Curtis
Dillingham
Edge
Elkins
Fall
Fernald

France
Frelinghuysen
Gronna
Hale
Harding
Johnson, Calif.
Jones, Wash.
Kellogg
Kenyon
Keyes
Knox
La Follette

Lenroot
Lodge
McCormick
McCumber
McLean
McNary
Moses
Nelson
New
Newberry
Norris
Page
Penrose

Phipps
Poindexter
Reed
Sherman
Shields
Smoot
Spencer
Sterling
Sutherland
Townsend
Wadsworth
Warren
Watson

So Mr. HITCHCOCK's substitute for reservation No. 5, offered by Mr. Lodge on behalf of the committee, was rejected.

Mr. HITCHCOCK. I desire to give notice that I reserve the right to propose the amendment when the treaty is in the Senate.

Mr. SMOOT. Mr. President, I simply want to call the attention of the Senate to the fact that on the vote that was just taken on the substitute proposed by the Senator from Nebraska [Mr. HITCHCOCK] there were 95 Senators voting, every Senator in this body, a thing that I do not remember to have ever occurred before in the history of the Senate.

Mr. ASHURST. As a matter of historical interest, I call attention to the fact that on the 8th of February, 1915, every Senator was present, and all but one voted.

Mr. PHELAN. Reservation No. 5, proposed by the Senator from Massachusetts [Mr. LODGE] on behalf of the Committee on Foreign Relations, while it denies jurisdiction over all domestic and political questions, or those relating wholly or in part to internal affairs, still sees fit to enumerate various questions which are manifestly domestic or political, such as immigration, labor, coastwise traffic, tariff, commerce, the suppression of traffic in women and children, and so forth. I do not know the significance of specifying particularly these several questions. If there is any significance, I would like to include other subjects, and I therefore ask the Senator from Massachusetts, who understands very well the reasons which move me in this matter, whether he would accept as an amendment, after the word "immigration" in the reservation, the words "naturalization, citizenship, the elective franchise, education, marriage"?

Mr. BRANDEGEE. The Senator has noticed, has he not, that in line 25 the reservation reads "and all other domestic questions"?

Mr. PHELAN. I have just commented on that. I do not understand why, if all these are domestic questions, the Senator should have seen fit to enumerate some as more particularly engaging his attention. If immigration is domestic, why mention immigration?

Mr. BRANDEGEE. Mr. President, I make the point of order that the amendment has not been printed and read in accordance with the cloture rule.

Mr. WALSH of Montana. Mr. President, will the Senator pardon me? I wish in my own time to inquire if the rule which forbids an amendment extends to an amendment to an amendment which has been proposed? A vast number of amendments have been tendered here without any opportunity upon the part of any of us to look into them. It occurs to me that we ought not to be shut off from tendering amendments to those amendments. Accordingly, Mr. President, if that view is correct, the amendment now tendered by the Senator from California would be in order. I take it that the rule refers to an amendment to the measure, not an amendment to an amendment, which no one has had an opportunity to study.

Mr. LODGE. Mr. President, I will await the decision of the Chair.

Mr. BRANDEGEE. I want to suggest to the Chair, while he is pondering the question, that if the contention of the Senator from Montana [Mr. WALSH] that the cloture rule refers only to amendments to the measure be well founded, there would be no cloture at all, for we could debate proposed amendments to amendments indefinitely.

Mr. WALSH of Montana. No, Mr. President, debate is limited to one hour, and that is all. That is not the point I am making. The point I am making is that it does not shut off tendering an amendment to an amendment.

Mr. BRANDEGEE. Of course, if it does not shut off amendments to amendments, we can offer amendments to amendments indefinitely here and defeat any vote at all.

Mr. LODGE. The rule would not be worth the paper it is written on.

The VICE PRESIDENT. The rule reads:

Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time.

That is the plain statement of the rule. This has not been read or presented.

Mr. PHELAN. Does the Chair so rule?

The VICE PRESIDENT. The Chair rules that it is out of order.

Mr. PHELAN. I offer as a substitute for the Lodge reservation the reservation that has been read to the Senate.

Mr. KING. A parliamentary inquiry, Mr. President, before that is read. Is it permissible to perfect an amendment which has already been tendered to existing reservations by an amendment to the tendered amendment?

The VICE PRESIDENT. The rule says not. That is the end of it.

Mr. LA FOLLETTE. I want to inquire, Mr. President, whether the proposed substitute has been read; and if so, I would like to have the RECORD referred to. It was not read this morning.

The VICE PRESIDENT. Has it been read?

Mr. PHELAN. I can inform the Senator that the reservation was submitted, read by the Secretary, and duly printed, and it is on the table. I now take it off the table and offer it as a substitute.

Mr. LODGE. Has it been read?

The VICE PRESIDENT. We will have to get the RECORD of November 7.

Mr. PHELAN. I hope this is not out of my time, Mr. President.

Mr. LODGE. The Senator is occupying the floor, and it comes out of his time.

The VICE PRESIDENT. The Chair sustains the point of order. It was not read.

Mr. PHELAN. The Chair rules that the point of order is well taken, and also rules that the reservation was not read. The reservation was read, if such a construction could be put upon it, by me personally. I proposed it to the Senator from Wisconsin [Mr. LENROTH] as an amendment, and I asked him, if I recollect it aright, if he would be willing to accept. Was not that the same amendment?

Mr. BRANDEGEE. I wish to make a parliamentary inquiry. Under the rule must not a reservation be presented and read?

Mr. PHELAN. Mr. President, I withdraw what I have said and accept the ruling of the Chair. The reservation I read to the Senator from Wisconsin was another reservation. But I see in the RECORD that this particular reservation which I have just submitted was printed in the RECORD, but not read, according to the requirement of the Chair. However, it was ordered to be printed in the RECORD, was ordered to lie on the table, and for all intents and purposes it was read. I understand the Chair rules that that is not his construction of the rule, but that it requires reservations to be read.

The VICE PRESIDENT. The Chair is going to read again the rule, and will not read it another time:

Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time.

Is there any objection to the presentation of the amendment of the Senator from California [Mr. PHELAN]?

Mr. BRANDEGEE. I object.

The VICE PRESIDENT. Objection is made.

Mr. KING. Mr. President, I offer the following substitute. I invite the attention of the Senator from California [Mr. PHELAN] to the fact that it differs from the reservation offered by the Senator from Massachusetts [Mr. LODGE] in the fact that it deals with naturalization, citizenship, and so forth.

Mr. LA FOLLETTE. Has it been read?

Mr. KING. It has been read. It was printed on the 10th day of November.

Mr. LA FOLLETTE. And presented?

Mr. KING. Yes; presented and printed on the 10th day of November.

Mr. LODGE. The rule says "presented and read."

Mr. KING. I do not know that I can state as to its being read.

Mr. LA FOLLETTE. That is the point.

Mr. LODGE. That is the point.

Mr. KING. My recollection is that it was read.

Mr. LODGE. I suggest that it be passed over until we find out whether it was read.

The VICE PRESIDENT. If it is offered to the pending reservation, the Chair will be compelled to do a very unpleasant thing, to read the RECORD.

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry. I wish to ask the Chair whether, under the language of the rule, that an amendment must be presented and read, the offering of a proposed amendment in the past to some other part of the treaty or some other amendment constitutes a presentation and a reading under the rule?

The VICE PRESIDENT. The Chair so ruled, before the vote was taken, at the instance of Senators who wanted their amendments reread, having been read once.

Mr. PHELAN. I think it is a matter of so much importance that I appeal from the decision of the Chair.

The VICE PRESIDENT. On what does the Senator appeal?

Mr. PHELAN. The decision of the Chair holding that an amendment which has been submitted and printed in the RECORD has not been read. It was read into the RECORD.

The VICE PRESIDENT. The question is, Shall the decision of the Chair stand as the ruling of the Senate?

Mr. LODGE. I move to lay the appeal upon the table.

The motion was agreed to.

The VICE PRESIDENT. Now, the Senator from Utah will turn to the RECORD of November 10 and ascertain the fact.

Mr. KING. On page 8218 of the RECORD of November 10, 1919, the following appears:

Mr. KING. I submit a reservation to the pending treaty and ask that it lie on the table and be printed.
The reservation is as follows:

There is nothing to indicate that it was or was not read. My recollection is that it was read, although I would not state positively that such was the case.

Mr. LA FOLLETTE. If it was read, it would appear in the RECORD that it was read.

The VICE PRESIDENT. The Chair hardly knows how to construe language of this kind:

I submit a reservation to the pending treaty and ask that it lie on the table and be printed.
The reservation is as follows:

The Chair hardly knows whether it was read or not.

Mr. LA FOLLETTE. If it is in the RECORD I take it that it must have been read.

The VICE PRESIDENT. The Chair thinks that it must have been read.

Mr. PHELAN. I do not wish to interfere with the ruling, but I beg to submit that my reservation was printed in the RECORD and it ought to enjoy the same presumption.

Mr. POINDEXTER. Mr. President, a parliamentary inquiry. I ask it in order that it may be understood, so far as possible, when similar questions arise later on. I understand the amendment that is now being considered is held by the Chair to have been read at his place in the Senate by the Senator who proposed it. Am I correct in that?

The VICE PRESIDENT. From the language used, that is the assumption of the Chair.

Mr. POINDEXTER. The parliamentary inquiry is whether or not such a reading, assuming that it actually took place, is equivalent to a reading by the Secretary at the desk, which is my understanding of the meaning of the rule, and whether the cloture rule requires a reading at the desk, in a formal way by

the Secretary, of the amendment proposed, or if a reading by the Senator who proposes it is a sufficient reading?

The VICE PRESIDENT. The Chair rules that if an amendment was read either by the Secretary or the Senator proposing it, it is before the Senate.

The question is on the amendment offered by the Senator from Utah [Mr. KING]. The Secretary will state the proposed amendment.

The SECRETARY. In lieu of the words proposed to be inserted by the committee, being the reservation known as No. 5, the Senator from Utah [Mr. KING] proposes the following:

5. That the United States understands that the jurisdiction and authority of the league of nations under articles 1 to 26, inclusive, of the treaty of peace does not include any power over the proper domestic, internal, or national policy of any State a member of the league, and that said articles do not confer upon the league any powers with respect to immigration, imposts, property, inheritance, naturalization, citizenship, labor, coastwise traffic, or any other matter of proper domestic policy, and the United States declares that the enumeration of these matters of policy in this reservation shall not in any wise be construed to limit or restrict the rights of the United States with respect to its national and political powers and sovereignty as recognized by the law and customs of nations; and the United States reserves to itself the exclusive power to decide what questions are within its domestic jurisdiction and national sovereignty and to withhold such questions from submission to arbitration or to the consideration of the council or the assembly of the league of nations.

Mr. BRANDEGEE. Mr. President, I wish to call the attention of the Senate to the fact that the reservation proposed by the Senator from Utah attempts to deal with what shall be domestic questions of all nations that are members of the league. It has been the policy of the committee in reporting the reservations to limit the domain of the reservation to what shall apply to our own country and not to attempt to fix the liability of other countries. I think upon that question alone it ought to be rejected. It attempts to amend the treaty for all other powers as well as ourselves.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Utah [Mr. KING].

The amendment was rejected.

The VICE PRESIDENT. The question recurs on agreeing to reservation 5 offered by the Senator from Massachusetts [Mr. LODGE] on behalf of the committee.

Mr. HALE. Mr. President, before the hour of 11 o'clock this morning I submitted an amendment which was read, and it is therefore in order now.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 2 of the print of the reservation, in line 25, the last line on the page, and after the last word in the line, the word "questions," insert the following:

and all questions affecting the present boundaries of the United States and its insular or other possessions."

Mr. HALE. I submitted this amendment to the chairman of the Committee on Foreign Relations, and I believe he has no objection to it.

Mr. LODGE. So far as I am personally concerned, I have no objection to it whatever, particularly after hearing the statement made by the Senator from California [Mr. JOHNSON] this morning, showing that some one is planning, under article 19, to bring the boundary line of Maine before the league and take a part of that State.

Mr. HALE. I do not think the boundaries of the State will be changed under any circumstances, but I offer the amendment to make assurance doubly sure. It is a matter which is of much importance, of course.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Maine.

Mr. HALE. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BRANDEGEE. I was not able to insert the proposed language in the paragraph to which it is applicable, so as to clearly understand its application. Is it asserted that without this amendment some other country is contemplating taking four counties of the Senator's State?

Mr. HALE. I did not hear the question of the Senator.

Mr. BRANDEGEE. Is the Senator's amendment necessary to prevent the league of nations taking some of the counties of the Senator's State?

Mr. HALE. I do not know that it is.

Mr. BRANDEGEE. What is the object of it?

Mr. HALE. This morning the Senator from California [Mr. JOHNSON] presented an article written by Sir Andrew MacPhail, of Canada, and asked that it be printed in the Record. This article stated that under article 19 of the league of nations the matter could be brought before the league as to a return to Canada of certain territory which was given to Maine under the Ashburton treaty. The author does not claim it would be a

matter of right, but he thinks that the question can be brought before the league, and that probably the United States would be willing to cede the territory to Canada. We would not be under any obligation under any circumstances to do so. Article 10 takes care of the matter, where all members agree to respect the territorial integrity of all other countries, but I simply offer the amendment to make assurance doubly sure.

Mr. BRANDEGEE. The Senator does not regard it as necessary, then, in order to safeguard the present boundaries of the United States?

Mr. HALE. I think we can preserve the territorial integrity of the country without it.

Mr. BRANDEGEE. Then I do not care whether it goes on or off.

Mr. GORE. Mr. President, I wish to ask the Senator from Connecticut what foreign country would obtain those four counties in case the United States should lose them?

Mr. BRANDEGEE. I understand from the statement of the Senator from Maine [Mr. HALE] that some newspaper article states that our Canadian friends are contemplating annexing part of that Senator's State.

Mr. GORE. That would make them a part of the British Empire, would it not?

Mr. BRANDEGEE. I do not know whether it is the part of the State in which the Senator from Maine lives or not, but that could be amicably arranged, I have no doubt.

Mr. GORE. I merely wish to say to the Senator that if it is to go to the British Empire, there is no use to get over particular about the matter at this juncture. It seems that the whole United States is about to be annexed to the British Empire, and, as this seems to be an application of the installment plan, we might try it out and see how it works. [Laughter in the galleries.]

The VICE PRESIDENT. The doorkeepers will enforce the rules of the Senate and see that occupants of the galleries who will not obey the rules of the Senate are removed.

Mr. POINDEXTER. Mr. President, under article 15 of the covenant of the league of nations there is a very simple process of laying claim to four counties in the State of Maine in the United States by Great Britain or any other country. Any dispute whatever between two countries is subject to decision by the council of the league of nations, and either one of the parties to the dispute under that article of the covenant has a right, regardless of the circumstances or the character of the dispute or the subject matter which is involved, to carry it before the assembly of the league of nations. The covenant of the league of nations provides in such a case that Great Britain being the claimant, the assembly of the league of nations shall make a report upon the case, and that no country a member of the league—the United States in this particular case being a party to the dispute and a member of the league—shall go to war against any country which accepts the decision of the league. So that if the friends of Great Britain in the assembly of the league of nations, of whom there will be a great many—there will be a great many of them who are allies of Great Britain—should decide in this dispute under the Ashburton treaty or any other treaty that Great Britain really has a claim to four counties in the State of Maine, that decision stands as the final adjudication of the question of the title and sovereignty of a portion of the United States. There is no appeal and there is no redress, because the language of the covenant is as simple and plain as words can be written, and the United States is prohibited from going to war to protect itself against the decree of the assembly of the league of nations.

I think it is perfectly obvious, if we are going to avoid a condition of that kind, that we ought to adopt the amendment proposed by the Senator from Maine.

Mr. HALE. Mr. President, I call the Senator's attention to the fact that the Ashburton treaty is not under dispute. The question of the territorial settlement is already res adjudicata and ought not to be again taken up. If the Senator applies his reasoning, the case would be just the same if we should decide to take two of the lower counties of England. That would be a matter that could be brought before the council.

Mr. POINDEXTER. Undoubtedly that could be brought before the council and before the assembly. Any dispute between nations can be brought before it.

Mr. HALE. Questions may be brought up about territory of any description at any time.

Mr. POINDEXTER. Certainly. There is no limitation; there is no qualification whatever as to the character of dispute or the interests which are involved. It covers the entire universe and every interest of a nation from its territorial integrity to its political independence.

Mr. JOHNSON of California. Mr. President, this morning I offered the article referred to, and asked that it be made a part of the Record as illustrating the view of our Canadian neighbors on the north and as illustrating also just what they thought would come within the jurisdiction of the league of nations if the league covenant were adopted. I offered the article because it demonstrated the viewpoint of a very estimable and famous Canadian. In the discussion of a question which might arise in the future between the United States of America and Canada, he suggested that there was one way for the determination of that question, and that way was found in the league of nations. The question that he discussed was one of boundaries. He drew his line to the sea for Canada in order that there might be a base and an outlet on the sea for Canada. He described all of the difficulties and obstacles that in the past Canada had labored under, and he asserted that under article 19 of the league of nations the question of boundaries, of an outlet to the sea and a base upon the sea for Canada, could be ultimately determined by the league of nations, and the proper and just boundary line between the United States and Canada would take 8,000 square miles of the State of Maine, and 8,000 square miles of Maine of necessity must be awarded under the league to Canada.

I merely wanted to present a view foreign to ours—that is, to my own, but I assume not to that of some of the Senators who have expressed themselves here—and a view of a neighboring country as to the power and possibilities of the league of nations. In order that Senators may understand something of what this article means I want to read merely a paragraph of it. After stating the difficulties of Canada, the obstacles that she met during the war, and the embarrassments that she found in transporting with the celerity desired her troops across the water, he said that there must be found for Canada in the days to come a base upon the sea and an outlet upon the Atlantic Ocean. Then he proceeded:

There is a way out. It is to be found in the league of nations. If it is not found therein then that instrument has no force and its signatories no sincerity. According to article 19, "The assembly may from time to time advise the reconsideration by members of the league of treaties which have become inapplicable, and the consideration of international conditions whose continuance might endanger the peace of the world." Whatever the status of Canada may in the future be, its existence will depend upon the outcome of this issue. The issue then is large enough to warrant an extended examination. It is nothing less than the relations in the past, at the present, and in the future between the United States and the British Empire, which many wise men on both sides are now considering.

Next is a map showing exactly the line that this distinguished Canadian would draw in fixing the boundary between the United States and Canada.

I am delighted that the Senator from Maine, with the tender regard for his State that he ought to have and that every Senator has for his State, presents an amendment by which the State of Maine shall be protected. I, too, Mr. President, would protect Maine by giving to the United States of America six votes with Great Britain's six votes in the league; but I would protect not only the State of Maine, I would protect every other State in the Union by giving the United States equal representation in the league to that accorded Great Britain.

Mr. HALE. Mr. President—

Mr. JOHNSON of California. I will yield for any inquiry if the time comes out of the time of the Senator from Maine, for upon the question of the reservation I have proposed upon the subject of equal representation I again desire ultimately to address the Senate. But I congratulate the Senator from Maine on his reservation and his amendment. Cheerfully I will support it, because I am just American enough, Mr. President, not only to protect the United States and the western coast, from which I come, but to protect, by any means in my power, also the State of the Senator from Maine. I am for his amendment because it is American to protect his State, and I am for equal representation in the league for the United States because that is American and protects all the States of this Union.

Mr. HALE. Mr. President, with the assistance of my powerful ally, I have great hope of carrying my amendment.

Mr. NORRIS. Will the Senator from Maine yield for a question?

Mr. HALE. Yes.

Mr. NORRIS. I want to ask the Senator from Maine if his amendment—and I only heard it read—is sufficiently broad so as to prevent Mexico from getting Texas and California back again as well as saving four counties of Maine?

Mr. HALE. Yes; I think it is.

Mr. KNOX. Mr. President, I shall vote against the amendment—

The PRESIDENT pro tempore. Allow the Chair to inquire, Is the Senator from Maine retaining the floor?

Mr. HALE. No; I have no desire to occupy the floor.

The PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. KNOX. I was about to say that I shall vote against the amendment of the Senator from Maine [Mr. HALE] because of its manifest absurdity. How a boundary question between two nations can be an exclusively domestic question for one of them is something that I can not understand. My intellectuals do not go that far. The State of Maine would be protected if we would adopt the reservation proposed by the Senator from Missouri [Mr. REED] by withholding from the consideration of the league of nations any vital question of the United States or questions affecting its national honor. That is the only way, in my judgment, by which an encroachment upon our territory can be prevented through the council of the league of nations.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Maine [Mr. HALE]. The yeas and nays have been ordered. The Secretary will call the roll.

The Secretary called the roll.

Mr. DILLINGHAM (after having voted in the affirmative). I inquire if the senior Senator from Maryland [Mr. SMITH] has voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. DILLINGHAM. Having a general pair with him, I withdraw my vote.

The result was announced—yeas 52, nays 40, as follows:

YEAS—52.

Ashurst	Gerry	Keyes	Nugent
Brandegee	Hale	Kirby	Page
Capper	Harding	La Follette	Phelan
Chamberlain	Harris	Lenroot	Polindexter
Colt	Harrison	Lodge	Robinson
Cummins	Henderson	McCormick	Sheppard
Curtis	Hitchcock	McKellar	Smith, Ariz.
Dial	Johnson, Calif.	McLean	Smith, Ga.
Edge	Johnson, S. Dak.	McNary	Smith, S. C.
Elkins	Jones, N. Mex.	Moses	Spencer
Fernald	Jones, Wash.	Nelson	Sterling
Fletcher	Kellogg	Newberry	Walsh, Mass.
Frelinghuysen	Kendrick	Norris	Wolcott

NAYS—40.

Ball	Kenyon	Pittman	Swanson
Bankhead	King	Pomerene	Thomas
Reckham	Knox	Ransdell	Townsend
Borah	McCumber	Reed	Trammell
Calder	Myers	Sherman	Underwood
Fall	New	Shields	Wadsworth
France	Overman	Simmons	Walsh, Mont.
Gay	Owen	Smoot	Warren
Gore	Penrose	Stanley	Watson
Gronna	Phipps	Sutherland	Williams

NOT VOTING—3.

Culberson	Dillingham	Smith, Md.
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So Mr. HALE's amendment to reservation No. 5, proposed by Mr. LODGE, was agreed to.

The PRESIDENT pro tempore. The question now is upon reservation numbered 5, offered by the Senator from Massachusetts, as amended.

Mr. LODGE and other Senators called for the yeas and nays, and they were ordered.

Mr. TRAMMELL. Mr. President, in the early stages of the proceedings this morning, when we were voting upon reservations to this section, the Senator from Nebraska [Mr. HITCHCOCK] offered as a reservation pertaining to the question of domestic matters the following:

That no member nation is required to submit to the league, its council, or its assembly for decision, report, or recommendation any matter which it considers to be in international law a domestic question, such as immigration, labor, tariff, or other matter relating to its internal or coastwise affairs.

As I construe this language, it means that it is not the purpose or the idea of the United States to submit to the consideration of the council of the league of nations questions that are domestic in their nature, and it attempts to define and specify immigration, coastwise affairs, and others as domestic questions.

I supported, with my associate Democrats, this reservation, because I was heartily in sympathy with the sentiment expressed by the reservation. I would have been glad if the reservation offered by our distinguished Democratic leader had been adopted. In my opinion, it would have protected this Nation absolutely from becoming involved, through a decision of the council, upon purely domestic problems. However, in their wisdom a majority of the Senators voted down that reservation.

We now have pending, Mr. President, another reservation which was offered by the committee, the main reservation for which the substitute was offered by the Senator from Nebraska. This reservation reads:

5. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the league of nations, or any agency thereof, or to the decision or recommendation of any other power.

Mr. President, I rose to state that, carrying out my sentiments and my belief that we, as representatives of the American people, should reserve to our Government the right to pass upon these domestic questions, I propose to support reservation 5 as proposed by the committee. While I would have preferred having the other reservation adopted, this reservation covers the policy which was sought to be covered by the substitute offered by the Senator from Nebraska. I can not be consistent, therefore, and vote against the reservation offered by the committee. Therefore I propose to support reservation 5, which in substance means the same as the substitute offered by the Senator from Nebraska.

The PRESIDENT pro tempore. The question is upon reservation numbered 5, proposed by the Senator from Massachusetts on behalf of the committee, as amended.

Mr. LODGE. I call for the yeas and nays.

The PRESIDENT pro tempore. The yeas and nays have already been called for and ordered. The Secretary will call the roll.

The Secretary called the roll.

Mr. OWEN. Mr. President, on this amendment, except for the amendment of the Senator from Maine [Mr. HALE], I should vote "yea."

The PRESIDENT pro tempore. The Senator's explanation is in violation of the rule.

Mr. OWEN (continuing). But, because of that amendment, I vote "nay."

The result was announced—yeas 59, nays 36, as follows:

YEAS—59.

Ball	Frelinghuysen	McCormick	Sherman
Borah	Gore	McCumber	Shields
Brandeggee	Gronna	McLean	Smith, Ga.
Calder	Hale	McNary	Smoot
Capper	Harding	Moses	Spencer
Chamberlain	Johnson, Calif.	Nelson	Sterling
Colt	Jones, Wash.	New	Sutherland
Cummins	Kellogg	Newberry	Thomas
Curtis	Kenyon	Norris	Townsend
Dillingham	Keyes	Page	Trammell
Edge	King	Penrose	Wadsworth
Elkins	Knox	Phelan	Walsh, Mass.
Fall	La Follette	Phipps	Warren
Fernald	Lenroot	Polindexter	Watson
France	Lodge	Reed	

NAYS—36.

Ashurst	Harrison	Nugent	Smith, Ariz.
Bankhead	Henderson	Overman	Smith, Md.
Beckham	Hitchcock	Owen	Smith, S. C.
Culberson	Johnson, S. Dak.	Pittman	Stanley
Dial	Jones, N. Mex.	Pomerene	Swanson
Fletcher	Kendrick	Ransdell	Thomas
Gay	Kirby	Robinson	Trammell
Gerry	McKellar	Sheppard	Underwood
Harris	Myers	Simmons	Walsh, Mass.
			Walsh, Mont.
			Williams
			Wolcott

So reservation No. 5, offered by Mr. LODGE on behalf of the committee, as amended, was agreed to.

The PRESIDENT pro tempore. The question is on the adoption of reservation numbered 6, which the Secretary will read.

The Secretary read as follows:

6. The United States will not submit to arbitration or to inquiry by the assembly or by the council of the league of nations, provided for in said treaty of peace, any questions which in the judgment of the United States depend upon or relate to its long-established policy, commonly known as the Monroe doctrine; said doctrine is to be interpreted by the United States alone and is hereby declared to be wholly outside the jurisdiction of said league of nations and entirely unaffected by any provision contained in the said treaty of peace with Germany.

Mr. HITCHCOCK. Mr. President, I offer the following substitute for reservation numbered 6.

The PRESIDENT pro tempore. It will be read.

The Secretary read as follows:

That the national policy of the United States known as the Monroe doctrine, as announced and interpreted by the United States, is not in any way impaired or affected by the covenant of the league of nations and is not subject to any decision, report, or inquiry by the council or assembly.

Mr. LODGE. That has been read and presented?

The PRESIDENT pro tempore. The reservation has been heretofore read.

Mr. LODGE. And presented? I am trying to find out whether it was done in conformity to the rule.

Mr. HITCHCOCK. It has been.

The PRESIDENT pro tempore. It has been read. The question is upon the substitute offered by the Senator from Nebraska, Mr. HITCHCOCK. On that I ask for the yeas and nays.

The yeas and nays were ordered; and, being taken, resulted—yeas 43, nays 51, as follows:

YEAS—43.

Ashurst	Henderson	Owen	Smith, S. C.
Bankhead	Hitchcock	Phelan	Stanley
Beckham	Johnson, S. Dak.	Pittman	Swanson
Chamberlain	Jones, N. Mex.	Pomerene	Thomas
Dial	Kendrick	Ransdell	Trammell
Fletcher	King	Robinson	Underwood
Gay	Kirby	Sheppard	Walsh, Mass.
Gerry	McKellar	Simmons	Walsh, Mont.
Gore	Myers	Smith, Ariz.	Williams
Harris	Nugent	Smith, Ga.	Wolcott
Harrison	Overman	Smith, Md.	

NAYS—51.

Ball	France	Lodge	Polindexter
Borah	Frelinghuysen	McCormick	Reed
Brandeggee	Gronna	McCumber	Sherman
Calder	Hale	McLean	Shields
Capper	Harding	McNary	Smoot
Colt	Johnson, Calif.	Moses	Spencer
Cummins	Jones, Wash.	Nelson	Sterling
Curtis	Kellogg	New	Sutherland
Dillingham	Kenyon	Newberry	Townsend
Edge	Keyes	Norris	Wadsworth
Elkins	Knox	Page	Warren
Fall	La Follette	Penrose	Watson
Fernald	Lenroot	Phipps	

NOT VOTING—1.

Culberson

So Mr. HITCHCOCK's amendment to reservation No. 6, offered by Mr. LODGE on behalf of the committee, was rejected.

Mr. HITCHCOCK. Mr. President, I desire to announce that I reserve the right to present that same amendment in the Senate, and I also desire to give notice that I reserve the right to present in the Senate the amendment which I submitted on Thursday to the third reservation offered by the Senator from Massachusetts [Mr. LODGE], and also the reservation which I offered regarding the right of a nation to withdraw. I reserve the right to offer these amendments in the Senate.

Mr. PITTMAN. I offer the following amendment as a substitute for reservation numbered 6.

The PRESIDENT pro tempore. It will be read.

The Secretary read as follows:

The United States does not bind itself to submit for arbitration or inquiry by the assembly or the council any question which, in the judgment of the United States, depends upon or involves its long-established policy commonly known as the Monroe doctrine, and it is preserved unaffected by any provision in the said treaty contained.

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and, being taken, resulted—yeas 42, nays 52, as follows:

YEAS—42.

Ashurst	Hitchcock	Phelan	Stanley
Bankhead	Johnson, S. Dak.	Pittman	Swanson
Chamberlain	Jones, N. Mex.	Pomerene	Thomas
Dial	Kendrick	Ransdell	Trammell
Fletcher	King	Robinson	Underwood
Gay	Kirby	Sheppard	Walsh, Mass.
Gerry	McKellar	Simmons	Walsh, Mont.
Gore	Myers	Smith, Ariz.	Williams
Harris	Nugent	Smith, Ga.	Wolcott
Harrison	Overman	Smith, Md.	
Henderson	Owen	Smith, S. C.	

NAYS—52.

Ball	Fernald	Lenroot	Phipps
Beckham	France	Lodge	Polindexter
Borah	Frelinghuysen	McCormick	Reed
Brandeggee	Gronna	McCumber	Sherman
Calder	Hale	McLean	Shields
Capper	Harding	McNary	Smoot
Colt	Johnson, Calif.	Moses	Spencer
Cummins	Jones, Wash.	Nelson	Sterling
Curtis	Kellogg	New	Sutherland
Dillingham	Kenyon	Newberry	Townsend
Edge	Keyes	Norris	Wadsworth
Elkins	Knox	Page	Warren
Fall	La Follette	Penrose	Watson

NOT VOTING—1.

Culberson

So Mr. PITTMAN's amendment to reservation No. 6, proposed by Mr. LODGE, was rejected.

The PRESIDENT pro tempore. The question recurs on agreeing to reservation No. 6, proposed by the Senator from Massachusetts [Mr. LODGE].

Mr. SMITH of Georgia. Mr. President, I desire to offer an amendment to the sixth reservation, which I regard as important.

The league covenant probably intended to free the Monroe doctrine entirely from its influence, but the language in the

covenant was unfortunate. What is proposed and what I feel should be done is to relieve the United States, so far as the Monroe doctrine is concerned, from any attachment of the league of nations or the council of the league or arbitration in any way to the Monroe doctrine and to preserve for us the Monroe doctrine, just as it has been since President Monroe announced it. That far I am most heartily in favor of the reservation, but there is a sentence in the reservation which goes away beyond that. There is a line in the reservation which requires foreign countries in advance to agree to our interpretation. It is not needed. We may have a particular case in which they shall accept our interpretation, but there is a line in the reservation that commits them, before we give the interpretation, to an acceptance of any kind of interpretation we put upon the Monroe doctrine. It is just the kind of thing we are objecting to in the league covenant when it affects us unfairly. It is for the other countries just what some of us are objecting to so much in article 10, putting on us a committal in advance. Let me read the sentence:

Said doctrine is to be interpreted by the United States alone and is hereby declared to be wholly outside the jurisdiction of the league of nations and entirely unaffected by any provision contained in the said treaty of peace with Germany.

I think we ought to leave out—
is to be interpreted by the United States alone and—

And retain the words—
said doctrine is hereby declared to be wholly outside the jurisdiction of said league of nations and entirely unaffected by any provision contained in the said treaty of peace with Germany.

We free our Monroe doctrine then entirely from any evil effect of the league covenant, but we do not undertake to say in advance that the other nations must agree to our interpretation. They do not know what interpretation we may give to it at some time. They do not know how much further we might go than we have heretofore gone, and to ask them to commit themselves in advance to our interpretation seems to me to be extreme and unreasonable.

Mr. BRANDEGEE. Mr. President—

Mr. SMITH of Georgia. Just one word further. I have therefore had read this morning and offered an amendment to strike out, in lines 11 and 12, the words "is to be interpreted by the United States alone and."

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Connecticut?

Mr. SMITH of Georgia. I yield the floor.

The PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. LODGE. Mr. President—

Mr. BRANDEGEE. I yield to the Senator from Massachusetts.

Mr. LODGE. I wish to say only a few words. The Monroe doctrine is our policy. It has never been interpreted by anybody but by us. Why should we strike out those words and admit the proposition that other nations are to interpret our doctrine? It is our doctrine alone, and I decline to admit, directly or indirectly, anybody else on the face of the earth has the right to interpret our doctrine and our policy.

Mr. BRANDEGEE. Mr. President, I do not think the point made by the Senator from Georgia [Mr. SMITH] is well taken, for this reason: The Senator from Georgia inquired why we should ask that foreign nations now agree to our interpretation of the Monroe doctrine. We do not ask them to do so. What we say here is not that they shall agree to our interpretation at all, but that they shall agree that we shall interpret it. Why should we not interpret it?

The Monroe doctrine is an American assertion, a declaration by our Government of an American policy. Unless we are prepared to say that they shall interpret what shall be the American policy and what shall be the meaning of our American Monroe doctrine, we ought to reserve it for our own interpretation. This does not at all compel them to agree that our interpretation is the correct one, but that our interpretation shall be our interpretation, and they at any time may agree to it or not.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Georgia [Mr. SMITH].

So the amendment was rejected.

The PRESIDENT pro tempore. The question is on reservation 6 offered by the Senator from Massachusetts [Mr. LODGE].

SEVERAL SENATORS. Let us have the yeas and nays on that.

The yeas and nays were ordered.

Mr. REED. Mr. President, a parliamentary inquiry. On what are we voting?

The PRESIDENT pro tempore. The Senate is about to vote on agreeing to reservation No. 6, offered by the Senator from Massachusetts [Mr. LODGE]. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. KENDRICK (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. FALL], and I withhold my vote.

The roll call was concluded.

Mr. JOHNSON of South Dakota (after having voted in the negative). I transfer my pair with the senior Senator from Maine [Mr. FERNALD] to the senior Senator from Texas [Mr. CULBERSON] and let my vote stand.

The result was announced—yeas 55, nays 34, as follows:

YEAS—55.

Ball	Gore	McCormick	Sherman
Borah	Gronna	McCumber	Shields
Brandegee	Hale	McLean	Smoot
Calder	Harding	McNary	Spencer
Capper	Johnson, Calif.	Moses	Sterling
Chamberlain	Jones, Wash.	Nelson	Sutherland
Cole	Kellogg	New	Thomas
Cummins	Kenyon	Newberry	Townsend
Curtis	Keyes	Owen	Trammell
Dillingham	Kirby	Page	Wadsworth
Edge	Knox	Penrose	Walsh, Mass.
Elkins	La Follette	Phipps	Warren
France	Lenroot	Poinexter	Watson
Frelinghuysen	Lodge	Reed	

NAYS—34.

Ashurst	Henderson	Phelan	Smith, Md.
Bankhead	Hitchcock	Pittman	Smith, S. C.
Beckham	Johnson, S. Dak.	Pomerene	Stanley
Dial	Jones, N. Mex.	Ransdell	Underwood
Fletcher	King	Robinson	Walsh, Mont.
Gay	McKellar	Sheppard	Williams
Gerry	Myers	Simmons	Wolcott
Harris	Nugent	Smith, Ariz.	
Harrison	Overman	Smith, Ga.	

NOT VOTING—6.

Culbertson	Fernald	Norris	Swanson
Fall	Kendrick		

So the reservation No. 6, offered by Mr. LODGE on behalf of the committee, was agreed to.

Mr. McCUMBER. After the Secretary reads the next reservation, I wish to offer a substitute for it.

The PRESIDENT pro tempore. The Secretary will read the next reservation.

The SECRETARY. Reservation No. 7 of the committee is as follows:

7. The United States withholds its assent to articles 156, 157, and 158, and reserves full liberty of action with respect to any controversy which may arise under said articles between the Republic of China and the Empire of Japan.

Mr. McCUMBER. Mr. President, reservations numbered 2 to 6, inclusive, represent compromises to which I was a party. I have voted for every one of those reservations, because I have felt that they were absolutely necessary in order to secure a sufficient number of votes in the Senate to put the treaty through, although in many respects they do not represent my views. Some of the other reservations which have been adopted by the Committee on Foreign Relations I think are unimportant; others I think clearly reflect the real intent and purpose of the treaty itself; and still others, especially those in reference to appointments, and so forth, referring the matter to the Congress to make the provision of law, I think are appropriate, and I shall vote for them.

There are 2 of the 15 reservations which I believe to be wrong, and one of them is reservation No. 7. I want to appeal to those who wish to have this treaty consummated with such reservations as the Senate itself shall see fit to make as a part of the treaty, to accord a full and open mind to the Shantung provision as reported by the Senate Committee on Foreign Relations, which is reservation No. 7. We have now adopted reservation No. 1. By that reservation Great Britain, France, and Italy must each formally assent to each and every one of these separate reservations. If either one of them fails to assent to every word in every one of these reservations the ratification of the treaty, so far as the United States is concerned, is vacated and nullified. Every Senator, I think, will agree to that proposition. If that is true, as it certainly is true, and if we really wish the ratification of the treaty with these reservations, should we not look with some degree of care and caution into the reservations with a view of satisfying ourselves that none of them is so worded as to make it impossible for either Great Britain, France, or Italy to assent to every word?

Mr. OWEN. Mr. President—

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). Does the Senator from North Dakota yield to the Senator from Oklahoma?

Mr. McCUMBER. I yield.

Mr. OWEN. I make the point that there is no quorum present. The Senator's argument is not really being delivered to the Senate.

Mr. McCUMBER. Very well.

Mr. OWEN. And I think it of sufficient importance to be so delivered.

Mr. McCUMBER. I presume it is in order to make the point of no quorum being present at any time.

The PRESIDING OFFICER. Does the Senator from North Dakota yield the floor for that purpose?

Mr. McCUMBER. I will yield the floor for that purpose and shall finish my remarks after the call is made, assuming, of course, that the time consumed in the calling of the roll shall not come out of my time.

The PRESIDING OFFICER. The Senator from Oklahoma suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harding	Myers	Smith, Ga.
Ball	Harris	New	Smith, Md.
Bankhead	Henderson	Newberry	Smoot
Beckham	Hitchcock	Norris	Spencer
Brandegee	Johnson, S. Dak.	Nugent	Stanley
Calder	Jones, N. Mex.	Overman	Sutherland
Capper	Jones, Wash.	Owen	Swanson
Chamberlain	Kellogg	Page	Thomas
Curtis	Kendrick	Penrose	Townsend
Dial	Koves	Phelan	Trammell
Dillingham	King	Phlips	Wadsworth
Edge	Kaib	Pittman	Walsh, Mass.
Ekins	La Follette	Polidexter	Walsh, Mont.
Fernald	Lenroot	Pomerene	Warren
Fletcher	Lodge	Ransdell	Watson
France	McCormick	Sheppard	Williams
Frelinghuysen	McCumber	Shields	Wolcott
Gay	McKellar	Simmons	
Gronna	McNary	Smith, Ariz.	

The PRESIDING OFFICER. Seventy-four Senators having answered to their names, a quorum is present.

Mr. McCUMBER. Mr. President, I desire to address my remarks mainly to those Senators who really want a treaty, and a treaty that would be agreed to by the other nations. While I regret that it is just at the lunch hour, and I can not have those Senators present while that feature of the case is being presented, I feel it my duty to present it before this proposed reservation is voted upon.

We, of course, know that any change in the Shantung provision will eliminate Japan. Knowing that, we voted by a very large majority that we would not make the treaty dependent upon Japan agreeing to any of these reservations; but we did make it incumbent upon Great Britain, France, and Italy, by an exchange of notes, to agree to them. Now, Mr. President, are we sure that we are not by this reservation making it almost impossible, if not absolutely impossible, for Great Britain and France and Italy formally to assent to these reservations without compromising their own national honor and credit?

I am certain that every Senator must agree with me that if the reservation adopted by the Senate on the Shantung feature is equivalent to a rejection of the Shantung articles, then Great Britain, France, and Italy can not honorably assent to it. They can not break their war treaty with Japan.

Mr. PITTMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Nevada?

Mr. McCUMBER. I yield for a question.

Mr. PITTMAN. Does the Senator believe that the language of the Lodge reservation is equivalent to an expression of a rejection by the United States?

Mr. McCUMBER. I do, and I expect to show it.

What action would Japan take, and what action must she take, in case the Shantung reservation passes in the form presented by the committee? She will request her allies—Great Britain, France, and Italy—to withhold their assent to this particular reservation. She will base her request upon the wording of the Shantung reservation, which is, in effect, to all intents and purposes, a rejection of the Shantung articles. She will be right in saying that we do, in effect, reject the Shantung articles even if we claim that it is a rejection only so far as the United States is concerned, because she can call attention to the fact that by a formal assent of Great Britain and France and Italy each and every one of them will become a party to the United States' rejection by assenting to it, and that the United States' rejection, by the assent or agreement of the other parties thereto, becomes the agreement of all four powers to the rejection.

What possible reply can Great Britain, France, or Italy make to this request? They can not say fairly that the United States' reservation is not a rejection so far as the United States is concerned; neither can they fairly or honestly say that the assent of these other nations to the United States' rejection does not make them parties to the rejection.

Some of you say that the United States does not wish to impair the obligation of these other parties to the treaty with Japan, or to say that these articles shall be stricken out and shall not remain in the treaty as between other nations; that all the United States wishes to do is to wash its hands entirely of the Shantung provision. Then let me ask those Senators who really wish to do this why they are not willing to do it in appropriate words, which will mean exactly what they say, which can not by any possibility be construed into any other meaning, and which can receive the assent of France and Great Britain and Italy without impugning to any extent their agreement with Japan and their own national honor? We can do it by a reservation which will read as follows—and I want the Senators' attention to this reservation:

The United States refrains from entering into any agreement on its part in reference to the matters contained in articles 156, 157, and 158, and reserves full liberty of action in respect to any controversy which may arise in relation thereto.

What is the difference between that and the committee reservation? This is the difference: The committee reservation reads as follows:

The United States withholds its assent to articles 156, 157, and 158.

This proposed substitute reads:

The United States refrains from entering into any agreement on its part in reference to the matters contained—

In those articles. It is the difference between striking these articles out of the treaty and simply refraining from binding ourselves either one way or the other.

I can not read this reservation as some Senators do. I can see no difference on earth between a declaration that we withhold our assent to a certain article and a declaration that we reject a certain article. I can see no difference between a declaration that we reject a certain article and a declaration that we strike out a certain article of the treaty. They all mean the same thing, and no refinement of reasoning can make them mean anything else.

Suppose a treaty came to us and it contained only one article, article 1, and the United States, in passing upon that, said:

The United States withholds its assent to article 1.

Is not that a rejection of the treaty, and of the whole treaty? Is it not equivalent to saying, "The United States rejects it"? Suppose it contains two articles, and the United States says, "The United States withholds its assent to article 2"—is not that a rejection of article 2 by the United States?

Mr. LENROOT. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Wisconsin?

Mr. McCUMBER. Certainly.

Mr. LENROOT. Is not the practice of withholding assent to a particular article in a treaty very, very common, and has it not been done dozens of times?

Mr. McCUMBER. Yes; and it always is a rejection of that part, so far as the United States is concerned.

I can not see how it is possible to question that effect. Senators say they wish merely to prevent the United States from affirming the Shantung provision. If that is all they want, then what earthly reason can be given for not using words that will accomplish that result, and that only, by declaring that—

The United States refrains from entering into any agreement on its part in reference to the matters contained in articles 156, 157, and 158, and reserves full liberty of action in respect to any controversy—

Not a controversy that may arise between Japan and China only, but—

Reserves full liberty of action in respect to any controversy which may arise in relation thereto.

Why not make it easy and simple for other nations to accept it? Why put it in the hands of Japan to say, "As we construe this, it is a rejection by the United States, at least; and if you assent to it you are assenting to the rejection by the United States, and you can not do that honorably under the treaty which you made with us"; whereas, on the other hand, if the reservation so reads that we refrain from entering into any agreement concerning that matter, that leaves the agreement between Great Britain and Japan and between China and Japan to be determined at some time in the future. We have washed our hands of it, and at the same time we have left it easy for the other countries to consent to our view of the matter, and say: "So far as the United States is concerned, we will assent that she refrain from having anything to do with this part of the treaty, and this will be a matter to be settled between Japan and China and the other nations under the treaty." That they can honorably do.

Mr. LENROOT. Mr. President, does the Senator desire to offer a substitute?

Mr. McCUMBER. I read the substitute. The offer is of my No. 1 of that which was printed the other day:

The United States refrains from entering into any agreement on its part in reference to the matters contained in articles 156, 157, and 158, and reserves full liberty of action in respect to any controversy which may arise in relation thereto.

I offer that as a substitute for the committee reservation.

Mr. LENROOT. Mr. President, if I correctly understand the position of the Senator from North Dakota, it is that he wants the Senate of the United States to assent to the cession of Shantung to Japan, but does not want the United States to make any agreement with reference to it. Why, there are no separate agreements with reference to the various articles of this treaty. Here is one agreement. Do we advise and consent to the ratification of this treaty in whole or in part? Reservations merely signify that as to certain parts of the treaty we do not assent. We are not making separate agreements with reference to Shantung or with reference to any other article of the treaty; and it seems to me that the Senator from North Dakota ought to be willing to have this language clear and explicit. If he means by this reservation that we refrain from making any agreement, that we do not assent, then what is his objection to the committee reservation which says so? On the other hand, does the Senator desire to assent, to participate, to agree that so far as the treaty is concerned we consent to this robbery of China by Japan? If so, then the Senator's amendment ought to be adopted. But if the Senate of the United States wants to go on record as saying that while we are not disturbing the cession as between Germany and Japan, while the other nations may agree to it if they choose, the United States declines to be a party to that wrong, and does not assent to it, and that is all that the committee reservation does.

The Senator speaks of the consent of the other parties. Why, if the British Empire, France, and Italy agree to this reservation, they do what? They simply say by that agreement: "While we ourselves agree to the cession to Japan, we are willing that the United States shall not become a party to it."

I do not want the United States to become a party to this wrong. Does the Senator from North Dakota desire it? Does any Democrat desire that the United States shall become a party to the cession of Shantung to Japan, taking it away from China? If so, then let him vote for this reservation of the Senator from North Dakota.

Mr. President, during the entire debate upon the amendment and the treaty an overwhelming majority of the Senate indicated they were not in favor of the United States participating in any way or assenting to this wrong. The committee reservation takes the United States out of this Shantung controversy and leaves it free, where it ought to be.

The committee reservation, Mr. President, ought to be adopted, and I am opposed to the amendment proposed by the Senator from North Dakota [Mr. McCUMBER].

Mr. McCUMBER. Mr. President, the Senator from Wisconsin [Mr. LENROOT] asked me if I desired that the United States assent. The Senator can read clear English language, and when the reservation which I propose as a substitute says that the United States refrains from entering into any agreement upon that subject, it can not be construed by any possibility as assenting to it; and when it further says that it retains full liberty of action in respect to any matter concerning the relations of Shantung and Japan, it certainly is not assenting to it in any way, whereas, on the other hand, when you say that the United States withholds its assent, you in effect reject it. That is the point I am making.

Mr. LENROOT. In my time, may I ask the Senator if his position is that he does not desire the United States to reject it, so far as it is concerned?

Mr. McCUMBER. I will say that I do not want the United States to reject that, and then put it up to Great Britain and France and Italy to say that they join the United States in rejecting it, which they would not do under any circumstances.

Mr. LENROOT. Then the Senator admits that his amendment does leave the United States a party and does not reject the Shantung provision, so far as the United States is concerned.

Mr. TRAMMELL. Mr. President, when the substitute offered by the Senator from Nebraska [Mr. HITCHCOCK] for reservation No. 6, presented on behalf of the committee, was pending, touching upon the preservation of the Monroe doctrine, I voted for the substitute offered by the Senator from Nebraska, because the policy expressed in the amendment was in accord with my idea of safeguarding the Monroe doctrine by the United States. It was also in harmony, as I understand, with the interpretation placed upon the league of nations by our President and practically all of those favorable to the league.

Most all of my Democratic associates have gone on record as favoring a reservation making our Nation's position plain on the Monroe doctrine question, and I think it should be done.

Some, however, seem to be willing to intrust that for future consideration and interpretation to the nations that may be associated in the council governing and directing the affairs of the league of nations. As far as I am concerned, I decidedly prefer the policy which seems to be preferred and desired by a very large majority of the Democrats and Republicans of the Senate, of expressing what the United States considers a proper interpretation of the treaty in so far as it applies to the Monroe doctrine, and for that reason I was in sympathy with the substitute proposed by the Senator from Nebraska, and voted for the same.

That amendment having been defeated, I then voted for reservation No. 6, as offered by the committee. I do not see, Mr. President, any material difference in the meaning, and I see no difference whatever in the object and the purpose of the reservation No. 6 as offered by the committee, and the substitute tendered by the Senator from Nebraska, which I desire to now read into the Record, as follows:

That the national policy of the United States known as the Monroe doctrine, as announced and interpreted by the United States, is not in any way impaired or affected by the covenant of the league of nations and is not subject to any decision, report, or inquiry by the council or assembly.

The substitute reservation of Senator HITCHCOCK having failed to receive the necessary majority for adoption, and favoring, as I do, the preservation of the Monroe doctrine on the part of the United States, I then voted for reservation No. 6, offered by the committee, which reads as follows:

6. The United States will not submit to arbitration or to inquiry by the assembly or by the council of the league of nations, provided for in said treaty of peace, any questions which in the judgment of the United States depend upon or relate to its long-established policy, commonly known as the Monroe doctrine; said doctrine is to be interpreted by the United States alone and is hereby declared to be wholly outside the jurisdiction of said league of nations and entirely unaffected by any provision contained in the said treaty of peace with Germany.

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). The question is on the amendment offered by the Senator from North Dakota [Mr. McCUMBER].

Mr. THOMAS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FALL (when his name was called). I have a pair with the junior Senator from Wyoming [Mr. KENDRICK], which I transfer to the senior Senator from Idaho [Mr. BORAH], and vote "nay."

The roll call having been concluded, the result was announced—yeas 42, nays 50, as follows:

YEAS—42.

Ashurst	Henderson	Owen	Smith, S. C.
Bankhead	Hitchcock	Phelan	Stanley
Beckham	Johnson, S. Dak.	Pittman	Swanson
Chamberlain	Jones, N. Mex.	Pomerene	Thomas
Culberson	King	Ransdell	Trammell
Dial	McCumber	Robinson	Underwood
Fletcher	McKellar	Sheppard	Walsh, Mont.
Gay	Myers	Simmons	Williams
Gerry	Nelson	Smith, Ariz.	Wolcott
Harris	Nugent	Smith, Ga.	
Harrison	Overman	Smith, Md.	

NAYS—50.

Ball	Frelinghuysen	Lodge	Sherman
Brandegee	Gore	McCormick	Shields
Calder	Gronna	McLean	Smoot
Capper	Hale	McNary	Spencer
Colt	Harding	Moses	Stirling
Cummins	Johnson, Calif.	New	Sutherland
Curtis	Jones, Wash.	Newberry	Townsend
Dillingham	Kellogg	Norris	Wadsworth
Edge	Kenyon	Page	Walsh, Mass.
Elkins	Keyes	Penrose	Warren
Fall	Knox	Phipps	Watson
Fernald	La Follette	Polindexter	
France	Lenroot	Reed	

NOT VOTING—3.

Borah	Kendrick	Kirby
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So Mr. McCUMBER's amendment was rejected.

Mr. PITTMAN. I offer a substitute for reservation No. 7, offered on behalf of the committee.

The PRESIDING OFFICER. The Chair desires to know if this amendment has been read.

Mr. PITTMAN. It was offered with a group, and has been read.

The PRESIDING OFFICER. The amendment will be read. The Secretary read as follows:

Provided, That in advising and consenting to the ratification of said treaty the United States understands that the German rights and interests, renounced by Germany in favor of Japan under the provisions of articles 156, 157, and 158 of said treaty, are to be returned by Japan

to China at the termination of the present war by the adoption of this treaty as provided in the exchanged notes between the Japanese and Chinese Governments of date May 25, 1915.

Mr. PITTMAN. I call for the yeas and nays.

The yeas and nays were ordered and the Secretary proceeded to call the roll.

Mr. FALL (when his name was called). I have a pair with the junior Senator from Wyoming [Mr. KENDRICK]. In his absence I withhold my vote.

The roll call having been concluded, the result was announced—yeas 39, nays 50, as follows:

YEAS—39.

Ashurst	Henderson	Owen	Smith, S. C.
Bankhead	Hitchcock	Phelan	Stanley
Chamberlain	Jones, N. Mex.	Pittman	Swanson
Culberson	King	Pomerene	Thomas
Dial	Kirby	Ransdell	Trammell
Fletcher	McCumber	Robinson	Underwood
Gay	McKellar	Sheppard	Walsh, Mont.
Gerry	Myers	Simmons	Williams
Harris	Nugent	Smith, Ariz.	Wolcott
Harrison	Overman	Smith, Md.	

NAYS—50.

Ball	Frelinghuysen	Lodge	Reed
Beckham	Gronna	McCormick	Sherman
Borah	Hale	McLean	Smoot
Brandeggee	Harding	McNary	Spencer
Calder	Johnson, Calif.	Moses	Sterling
Capper	Johnson, S. Dak.	Nelson	Sutherland
Colt	Jones, Wash.	New	Townsend
Cummins	Kellogg	Newberry	Wadsworth
Curtis	Kenyon	Norris	Walsh, Mass.
Dillingham	Keyes	Page	Warren
Edge	Knox	Penrose	Watson
Elkins	La Follette	Phipps	
France	Lenroot	Poindexter	

NOT VOTING—6.

Fall	Gore	Shields	Smith, Ga.
Fernald	Kendrick		

So Mr. PITTMAN'S amendment to reservation No. 7, proposed by Mr. LODGE on behalf of the committee, was rejected.

The PRESIDING OFFICER. The question recurs upon reservation numbered 7, proposed by the Senator from Massachusetts.

Mr. SMOOT. I call for the yeas and nays.

The yeas and nays were ordered; and, being taken, resulted—yeas 53, nays 41, as follows:

YEAS—53.

Ball	Frelinghuysen	McCormick	Shields
Borah	Gore	McLean	Smoot
Brandeggee	Gronna	McNary	Spencer
Calder	Hale	Moses	Sterling
Capper	Harding	Nelson	Sutherland
Colt	Johnson, Calif.	New	Thomas
Cummins	Jones, Wash.	Newberry	Townsend
Curtis	Kellogg	Norris	Wadsworth
Dillingham	Kenyon	Page	Walsh, Mass.
Edge	Keyes	Penrose	Warren
Elkins	Knox	Phipps	Watson
Fall	La Follette	Poindexter	
Fernald	Lenroot	Reed	
France	Lodge	Sherman	

NAYS—41.

Ashurst	Henderson	Overman	Smith, Md.
Bankhead	Hitchcock	Owen	Smith, S. C.
Beckham	Johnson, S. Dak.	Phelan	Stanley
Chamberlain	Jones, N. Mex.	Pittman	Swanson
Culberson	Kendrick	Pomerene	Trammell
Dial	King	Ransdell	Underwood
Fletcher	Kirby	Robinson	Walsh, Mont.
Gay	McCumber	Sheppard	Wolcott
Gerry	McKellar	Simmons	
Harris	Myers	Smith, Ariz.	
Harrison	Nugent	Smith, Ga.	

NOT VOTING—1.

Williams

So reservation No. 7, proposed by Mr. LODGE on behalf of the committee, was agreed to.

The PRESIDENT pro tempore. The Secretary will state the eighth reservation proposed by the Senator from Massachusetts [Mr. LODGE] on behalf of the committee.

The Secretary read as follows:

8. The Congress of the United States will provide by law for the appointment of the representatives of the United States in the assembly and the council of the league of nations, and may in its discretion provide for the participation of the United States in any commission, committee, tribunal, court, council, or conference, or in the selection of any members thereof and for the appointment of members of said commissions, committees, tribunals, courts, councils, or conferences, or any other representatives under the treaty of peace, or in carrying out its provisions, and until such participation and appointment have been so provided for and the powers and duties of such representatives have been defined by law, no person shall represent the United States under either said league of nations or the treaty of peace with Germany or be authorized to perform any act for or on behalf of the United States thereunder, and no citizen of the United States shall be selected or appointed as a member of said commissions, committees, tribunals, courts, councils, or conferences except with the approval of the Senate of the United States.

The PRESIDENT pro tempore. The question is on agreeing to the reservation.

Mr. WALSH of Montana. Mr. President, I should be very glad to accord five minutes of my time to any Senator who cares to enlighten the Senate in regard to the purpose of this reservation or what it means. The first part of the reservation provides:

8. The Congress of the United States will provide by law for the appointment of the representatives of the United States in the assembly and the council of the league of nations, and may in its discretion provide for the participation of the United States in any commission—

And so on.

That matter is taken care of by the Constitution of the United States, which provides in clause 2 of section 2 of Article II that:

He—

The President—

shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

What can Congress do with respect to these matters except merely to reasstate the provisions of the Constitution that these officers shall be appointed by the President of the United States and confirmed by the Senate? Why put this here? Or if they should be considered as inferior officers—and they could not be under the uniform construction that has been given to this provision—then, the power rests in Congress to vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments; so that the whole matter is in the control of Congress without any declaration in the treaty.

But, Mr. President, the concluding portion of this reservation is obviously in plain violation of the Constitution. It provides that—

no citizen of the United States shall be selected or appointed as a member of said commissions, committees, tribunals, courts, councils, or conferences except with the approval of the Senate of the United States.

Of course, that implies that the President might appoint somebody who was not a citizen of the United States without the concurrence of the Senate of the United States. He has not any power to appoint without the concurrence of the Senate at all; that is, in the first instance. But it is contrary to another provision of the Constitution which I will now read. Clause 3 of the same section of the Constitution provides:

The President shall have power to fill up all vacancies that may happen during the recess of the Senate by granting commissions which shall expire at the end of their next session.

Congress can not take that power away from the President. If a vacancy at any time should happen in any of these offices during the recess of Congress, the President, as a matter of course, under the Constitution, has power to fill the vacancy.

What is the purpose of all this, Mr. President? It is perfectly evident that the only purpose is to advertise to the whole world our own family quarrels here at home.

Mr. PENROSE. Will the Senator permit me to interrupt him? I take it, so far as I am concerned, the purpose is to advertise to the world—

Mr. WALSH of Montana. Let the Senator from Pennsylvania speak in his own time, not mine.

Mr. PENROSE. I understood the Senator made an inquiry as to whether any Senator in the Chamber desired to explain this reservation. I am not going to make a speech; but, so far as I am concerned, I understand, as does the Senator from Montana, that it is to advertise to the world our desire to prevent in the future a humiliating and scandalous spectacle such as occurred in Paris, where men, under no obligation of oaths of office, largely unknown and incompetent as compared with the delegations and personnel that confronted them, with the President, assuming without any authority to speak and to bind the United States, made a farce of the whole transaction, following one of the bloodiest and greatest tragedies that the human race ever endured.

That is what I want to prevent, and to insure that it never again occurs in America. The further it is advertised over the world the better I shall be satisfied.

I shall this afternoon, Mr. President, or on Monday, give a detailed account of the low-grade standards of the men who, in company with the President, represented the people of the United States and had the impudence to undertake to give advice and to frame policies and treaties. I think the Senate will be astonished when they see the kind of men, of the type of Col. House and Col. House's son-in-law, that great international lawyer suddenly sprung to fame, and the others to whom

I will refer this afternoon or on Monday, and will say that some of us are amply justified in preventing in the future a repetition of what I term mildly a scandalous occurrence on a colossal scale.

Mr. KELLOGG. Mr. President, I think the object of this reservation was to give notice to foreign countries that Congress would exercise its right to create these positions as offices under the Constitution of the United States, and in that regard it is perfectly proper. So far as I am concerned in voting for it, it will not be for any improper purpose.

The Constitution provides that the President "shall have power, by and with the advice and consent of the Senate, to make treaties," and so forth. It also provides that—

He shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law.

In other words, except for those offices created by the Constitution, they must be created by Congress, and the question is whether the Senate of the United States is willing that these places should be filled as mere agents or whether the Congress desires that they shall be offices. They are positions of great influence, great power, and certainly should be offices created under the Constitution.

I send to the desk and ask to have inserted in the Record at the conclusion of my remarks a decision of Chief Justice Marshall, made many years ago, which I presume every lawyer knows now to be the law, in which he says:

The Constitution, then, is understood to declare that all offices of the United States, except in cases where the Constitution itself may otherwise provide, shall be established by law.

Again:

If, then, the agent of fortifications be an officer of the United States, in the sense in which that term is used in the Constitution, his office ought to be established by law, and can not be considered as having been established by the acts empowering the President, generally, to cause fortifications to be constructed.

Mr. President, of course it is not necessary that any other country accept this reservation. It provides that Congress will perform its clear duty and will establish these positions as offices under the Constitution; and if Congress does establish them, of course the President has the appointment, and the appointment, under the Constitution, can not be taken away from him. There is no intention, so far as I know, that such should be the case; but does the Senate wish these places of great importance and power merely to be filled by executive agents?

The courts have held that a man may be appointed upon an arbitration tribunal to try one case as an executive agent or an agent of the State Department; but I take it that every Senator desires that these positions should be created as offices and their incumbents be appointed by the President and confirmed by the Senate. While, as I have already stated, it is not necessary that any foreign country should accept this reservation, for it is a matter that concerns this country alone, it is perfectly proper that the resolution of ratification should contain this clause to notify foreign countries that those positions would be created as offices and their powers and duties defined. Some of these commissions, Senators will remember, we may participate in or we may not, as we desire; and that is a question for Congress to settle, whether we shall or shall not participate in them.

The VICE PRESIDENT. Without objection, the decision referred to by the Senator from Minnesota will be printed in the Record.

The matter referred to is as follows:

In the case of the United States v. Maurice et al. (2 Brockenbrough, 96), arising from an action of debt brought upon a bond executed on the 18th day of August, 1918, in the penalty of \$20,000, with the condition that the obligation should be void in the event that Maurice, as agent of fortifications, faithfully disbursed large sums of money which came into his hands. The defendants, who were sureties under the bond, insisted that the bond was void, since no such office existed legally. In delivering the opinion of the court, Chief Justice Marshall, on page 109, makes the following statement:

"The Constitution, Article II, section 2, declares that the President 'shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, etc.,' and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law."

"I feel no diminution of reverence for the framers of this sacred instrument when I say that some ambiguity of expression has found its way into this clause. If the relative 'which' refers to the word 'appointments,' that word is referred to in a sense rather different from that in which it had been used. It is used to signify the act of placing a man in office and referred to as signifying the office itself. Considering this relative as referring to the word 'offices,' which word, if not expressed, must be understood, it is not perfectly clear whether the words 'which' offices 'shall be established by law' are to be construed as ordaining that all offices of the United States shall be established by law or merely as limiting the previous general words to such offices as shall be established by law. Understood in the first sense, this clause makes a general provision that the President shall nominate and, by and with the consent of the Senate, appoint to all offices of the United States,

with such exceptions only as are made in the Constitution, and that all offices (with the same exceptions) shall be established by law. Understood in the last sense, this general provision comprehends those offices only which might be established by law, leaving it in the power of the Executive or to those who might be intrusted with the execution of the laws to create in all laws of legislative omission such offices as might be deemed necessary for their execution and afterwards to fill those offices.

"I do not know whether this question has ever occurred to the legislative or executive of the United States, nor how it may have been decided. In this ignorance of the course which may have been pursued by the Government I shall adopt the first interpretation, because I think it accords best with the general spirit of the Constitution, which seems to have arranged the creation of office among legislative powers, and because, too, this construction is, I think, sustained by the subsequent words of the same clause and by the third clause of the same section.

"The sentence which follows and forms an exception to the general provision which had been made authorizes Congress 'by law to vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.' This sentence, I think, indicates an opinion in the framers of the Constitution that they had provided for all classes of offices.

"The third section empowers the President 'to fill up all vacancies that may happen during the recess of the Senate by granting commissions which shall expire at the end of their next session.'"

"This power is not confined to vacancies which may happen in offices created by law. If the convention supposed that the President might create an office and fill it originally without the consent of the Senate, that consent would not be required for filling up a vacancy in the same office."

"The Constitution, then, is understood to declare that all offices of the United States, except in cases where the Constitution itself may otherwise provide, shall be established by law."

"It is not necessary, or even a fair inference from such an act, that Congress intended it should be executed through the medium of offices, since there are other ample means by which it may be executed, and since the practice of the Government has been for the legislature, whenever this mode of executing an act was intended, to organize a system by law, and either to create the several laws expressly or to authorize the President in terms to employ such persons as he might think proper for the performance of particular services."

"If, then, the agent of fortifications be an officer of the United States, in the sense in which that term is used in the Constitution, his office ought to be established by law, and can not be considered as having been established by the acts empowering the President, generally, to cause fortifications to be constructed."

"Although an office is an 'employment' it does not follow that every employment is an office. A man may certainly be employed under a contract, express or implied, to do an act or perform a service without becoming an officer. But if a duty be a continuing one, which is defined by rules prescribed by the Government and not by contract which an individual is appointed by Government to perform, who enters on the duties appertaining to his station without any contract defining them, if those duties continue though the person be changed it seems very difficult to distinguish such a charge or employment from an office or the person who performs the duties from an officer."

Mr. FALL. Mr. President, the first sentence of the reservation pledges the United States in absolute terms, through its Congress, to create offices, which would then be constitutional offices created by law. Following the first sentence of the paragraph, the discretion is left in the Congress as to whether it will enact legislation providing for the appointment of commissions; but, in so far as the membership upon the council and the delegates to the league are concerned, this reservation contains an absolute pledge that the Congress will provide for such offices, making them then constitutional offices. In so far as the commissions are concerned it creates no such obligation, but leaves it to the discretion of the two branches of Congress, unhampered by any senatorial pledge, as to whether or not such commissions shall be created.

This is the purpose, and the sole purpose, of the reservation as to those matters. The committee proceeded upon the theory that this treaty did not belong to the President of the United States; that it was not a private possession of the President. The committee proceeded upon the theory that it was a treaty obligating in some respects at least the people of the United States for future generations, and was a general treaty applicable to all the people of the United States and not to the present occupant of the White House. This was the sole theory; but those who appear to hold to the opposite theory, that this treaty is a private appendage—I might almost say an appendix—to the office of President, of course, seek to inject into every possible argument upon any phase of it the personal theory; that is, that those who seek to have amendments or reservations adopted concerning the treaty must have in their minds some object, some ulterior motive; that they must be governed by some partisan theory; that they must intend to attack the present occupant of the White House.

The present occupant of the White House is worrying a great many of us very much less than some of those upon the other side seem to think, very much less; at least, I speak for myself. We are here attempting, Mr. President, to do the best that lies within us to guard the interests of the people of the United States; and, as has been said by the Senator who preceded me, we propose to act in accordance with the terms of the Constitution of the United States if we can. The reasons for offering the reservation are those which I have just expressed, and which the Senator who preceded me expressed—to conform to

the Constitution of the United States, and not to violate it, and not to leave it for anyone else to violate with impunity. This, and this alone, is the purpose; and no insult or reflection is intended as to the present occupant of the White House or anyone else.

If the Senators would disabuse their minds of the theory that some of us here are obsessed, as apparently some upon the other side are, with a picture of the President of the United States at all times, waking or sleeping—if they will disabuse their minds of that theory, they can possibly understand more intelligently some of the propositions upon which they must vote sooner or later.

This is all there is to it: It is a pledge that the Congress will proceed, if it ratifies the treaty at all, to provide constitutionally for the filling of the office of councilman and the filling of position of delegate to the league; that the Congress itself, in its two branches, may or may not, as it sees fit, provide for filling the other commissions.

As to the last part of the reservation, to which the Senator has referred, I presume that the object of the author of that portion of it—who is a Senator upon the other side of this Chamber, in so far as my information goes—was to prevent any other country, without the consent of this country, appointing an American upon that commission; in other words, that any American who fills a position upon that commission should be appointed by and with the consent of the Congress of the United States, and as the Congress of the United States should provide.

Mr. WALSH of Montana. Mr. President, I gather from the remarks of the Senator who last addressed the Chair that it is intended to declare that with respect to this matter the Government of the United States is going to follow the Constitution of the United States in whatever it does; but I want to say a word in connection with the suggestions made by the Senator from Pennsylvania [Mr. PENROSE], who first spoke about this matter.

The Senator referred to the appointments made to the peace conference at Paris. The Constitution of the United States gives the President of the United States the power to negotiate treaties. He may negotiate in person, as he did, or he may select personal representatives to do so. It is held that under the Constitution of the United States he may make appointments of representatives for the purpose of negotiating treaties without submitting the nominations to the Senate. If he has that power under the Constitution of the United States, nothing that Congress can do can take it away from him. I may say, however, that by no stretch of language could the officers appointed under the treaty be considered as agents of the President for the purpose of negotiating the treaty, and consequently they do not fall at all within the category referred to by the Senator from Pennsylvania. But if they do, Mr. President, then the President of the United States has power under the Constitution to appoint them, and nothing that the Congress can do can take away that power.

Accordingly, this reservation can serve no purpose whatever, and no one has undertaken to defend the concluding sentence of the reservation against the charge that it is in plain and obvious contravention of the Constitution.

Mr. FALL. Mr. President, this office is not a constitutional office, nor is either of the offices under this treaty. The Senate of the United States proposes to provide in the treaty that the Congress may create them as constitutional offices. That is all there is to it.

Mr. WALSH of Montana. Mr. President, I call attention to the fact that whenever the Congress does legislate upon the matter—

Mr. FALL. Mr. President, I rise to a point of order. The Senator has spoken twice upon this matter.

Mr. WALSH of Montana. All right.

The VICE PRESIDENT. There is no point of order in that. The Senator has an hour, and can take it in as many installments as he wishes.

Mr. FALL. Oh, very well.

Mr. WALSH of Montana. I decline to say anything further.

The VICE PRESIDENT. The question is upon reservation numbered 8, offered by the Senator from Massachusetts on behalf of the committee.

Mr. JONES of Washington and Mr. KENYON called for the yeas and nays, and they were ordered.

The Secretary called the roll.

Mr. McLEAN (after having voted in the affirmative). Has the senior Senator from Montana [Mr. MYERS] voted?

The VICE PRESIDENT. He has not.

Mr. McLEAN. I have a general pair with that Senator, which I transfer to the Senator from California [Mr. JOHNSON], and let my vote stand.

The result was announced—yeas 53, nays 40, as follows:

YEAS—53.

Ball	Frelinghuysen	McCumber	Shields
Borah	Gore	McLean	Smith, Ga.
Brandegee	Gronna	McNary	Smoot
Calder	Hale	Moses	Spencer
Capper	Harding	Nelson	Sterling
Colt	Jones, Wash.	New	Sutherland
Cummins	Kellogg	Newberry	Townsend
Curtis	Kenyon	Norris	Wadsworth
Dillingham	Keyes	Page	Walsh, Mass.
Edge	Knox	Penrose	Warren
Elkins	La Follette	Phipps	Watson
Fall	Lenroot	Poindexter	
Fernald	Lodge	Reed	
France	McCormick	Sherman	

NAYS—40.

Ashurst	Harrison	Overman	Smith, Md.
Bankhead	Henderson	Owen	Smith, S. C.
Beckham	Hitchcock	Phelan	Stanley
Chamberlain	Johnson, S. Dak.	Pittman	Swanson
Culberson	Jones, N. Mex.	Pomerene	Thomas
Dial	Kendrick	Ransdell	Trammell
Fletcher	King	Robinson	Underwood
Gay	Kirby	Sheppard	Walsh, Mont.
Gerry	McKellar	Simmons	Williams
Harris	Nugent	Smith, Ariz.	Wolcott

So reservation No. 8, offered by Mr. LODGE on behalf of the committee, was agreed to.

The VICE PRESIDENT. The Secretary will read reservation numbered 9.

The Secretary read as follows:

9. The United States understands that the reparation commission will regulate or interfere with exports from the United States to Germany, or from Germany to the United States, only when the United States by act or joint resolution of Congress approves such regulation or interference.

Mr. LODGE. I ask for the yeas and nays.

The yeas and nays were ordered; and, having been taken, resulted—yeas 54, nays 40, as follows:

YEAS—54.

Ball	Frelinghuysen	McCormick	Sherman
Borah	Gore	McCumber	Shields
Brandegee	Gronna	McLean	Smith, Ga.
Calder	Hale	McNary	Smoot
Capper	Harding	Moses	Spencer
Colt	Johnson, Calif.	Nelson	Sterling
Cummins	Jones, Wash.	New	Sutherland
Curtis	Kellogg	Newberry	Townsend
Dillingham	Kenyon	Norris	Wadsworth
Edge	Keyes	Page	Walsh, Mass.
Elkins	Knox	Penrose	Warren
Fall	La Follette	Phipps	Watson
Fernald	Lenroot	Poindexter	
France	Lodge	Reed	

NAYS—40.

Ashurst	Harrison	Overman	Smith, Md.
Bankhead	Henderson	Owen	Smith, S. C.
Beckham	Hitchcock	Phelan	Stanley
Chamberlain	Johnson, S. Dak.	Pittman	Swanson
Culberson	Jones, N. Mex.	Pomerene	Thomas
Dial	Kendrick	Ransdell	Trammell
Fletcher	King	Robinson	Underwood
Gay	Kirby	Sheppard	Walsh, Mont.
Gerry	McKellar	Simmons	Williams
Harris	Nugent	Smith, Ariz.	Wolcott

NOT VOTING—1.

Myers

So reservation No. 9, offered by Mr. LODGE on behalf of the committee, was agreed to.

The VICE PRESIDENT. The Secretary will read reservation No. 10.

The Secretary read as follows:

10. The United States shall not be obligated to contribute to any expenses of the league of nations, or of the secretariat, or of any commission, or committee, or conference, or other agency, organized under the league of nations or under the treaty or for the purpose of carrying out the treaty provisions, unless and until an appropriation of funds available for such expenses shall have been made by the Congress of the United States.

Mr. JONES of Washington. I ask for the yeas and nays.

The yeas and nays were ordered; and, having been taken, resulted—yeas 56, nays 39, as follows:

YEAS—56.

Ball	Frelinghuysen	Lodge	Reed
Borah	Gore	McCormick	Sherman
Brandegee	Gronna	McCumber	Shields
Calder	Hale	McLean	Smith, Ga.
Capper	Harding	McNary	Smoot
Colt	Johnson, Calif.	Moses	Spencer
Cummins	Jones, Wash.	Nelson	Sterling
Curtis	Kellogg	New	Sutherland
Dillingham	Kenyon	Newberry	Thomas
Edge	Keyes	Norris	Townsend
Elkins	King	Page	Wadsworth
Fall	Knox	Penrose	Walsh, Mass.
Fernald	La Follette	Phipps	Warren
France	Lenroot	Poindexter	Watson

NAYS—39.

Ashurst	Culberson	Gerry	Hitchcock
Bankhead	Dial	Harris	Johnson, S. Dak.
Beckham	Fletcher	Harrison	Jones, N. Mex.
Chamberlain	Gay	Henderson	Kendrick

Kirby
McKellar
Myers
Nugent
Overman
Owen

Phelan
Pittman
Pomerene
Ransdell
Robinson
Sheppard

Simmons
Smith, Ariz.
Smith, Md.
Smith, S. C.
Stanley
Swanson

Trammell
Underwood
Walsh, Mont.
Williams
Wolcott

So reservation No. 10, proposed by Mr. LODGE on behalf of the committee, was agreed to.

The VICE PRESIDENT. The Secretary will read the next reservation proposed by the Senator from Massachusetts.

The SECRETARY. Reservation No. 11:

If the United States shall at any time adopt any plan for the limitation of armaments proposed by the council of the league of nations under the provisions of article 8, it reserves the right to increase such armaments without the consent of the council whenever the United States is threatened with invasion or engaged in war.

Mr. LENROOT. On that I demand the yeas and nays.
The yeas and nays were ordered.

Mr. KNOX. Mr. President, I should like to say only one word in connection with this reservation. I thought in the committee that the language ought to be somewhat different and that the reservation should have concluded with the words:

Whenever the United States is threatened with or engaged in war.

The language now is,

Threatened with invasion or engaged in war.

I shall vote for the reservation upon the theory that any threat of war is a threat of invasion.

Mr. JONES of Washington. Mr. President, I think the reservation ought to go even further than that. It ought to say that we reserve the right to increase armament not only when we are threatened with war or invasion, but whenever Congress deems it necessary for the protection of the United States.

I do not believe that we can give away any of the rights that the Constitution gives to us. The Constitution of the United States says that the Congress shall have the power—

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces.

I desire to say that I am heartily in favor of any measure that we can adopt looking toward disarmament. I think the United States is in a position where it could well lead in disarmament, and set an example for every nation of the world that they would be bound to follow, without adopting a policy that practically nullifies the Constitution or expressly takes away the power that the Constitution gives to Congress.

The provision of article 8 of the covenant relating to disarmament reads as follows:

After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the council.

In other words, if that is to be complied with literally, Congress can not pass legislation providing for an increase in our Army without going to the council and asking for its consent.

The President has the right to veto an act of Congress. We can pass that legislation over his veto. But by this covenant we expressly give to the council the right to veto an act of Congress without any provision for passing it over its veto. Of course, we can not do that. The other nations of the world ought to have that brought very clearly to their attention by reservation.

It does seem that those who represented us in the peace council or at the peace table absolutely disregarded the provisions of our Constitution. They apparently acted upon the theory that they represented a Government as autocratically and fully as the representatives of governments where they have no written constitution or limitations provided by such constitution.

I shall vote for the reservation as proposed, but it ought to go further than it does.

Mr. WALSH of Montana. Mr. President, the tendering of this reservation necessarily implies the idea in the minds of those who proposed it that the covenant does not safeguard our rights and interests in the matter. It provides that the council may propose a plan of disarmament. That plan must be proposed by unanimous consent of the council. Accordingly our member of the council must concur in the proposed plan. We can control his action by giving him instructions to the effect that he is not to concur in any plan proposed unless he have authority from the Congress of the United States.

Again, the plan does not become effective until it is adopted by the Government of the United States; that is, by an act of Congress, and Congress can refuse to adopt any plan that does not thus safeguard our rights. There is no apparent reason for putting the provision in the covenant at all.

Mr. JONES of Washington. In other words, we will never adopt any plan submitted by the council, but we will act as we see fit.

Mr. NORRIS. Mr. President, I have always been one of those who believe that in the proposed league of nations there ought to have been definite disarmament. I believe it is one of the most important steps to be taken toward the peace of the world. I think it would have been just as easy to disarm the nations of the world who were parties to the war as it was by the treaty to disarm Germany. In my judgment, it ought to have been done.

I do not look for any result in the way of disarmament from article 8, the only article in the covenant of the league that provides for disarmament. In my judgment Great Britain will never consent to any form of disarmament that does not leave her in full control of the seas and of the world, and I am led to this thought, too, from the fact that she objected to that part of the fourteen points providing for the freedom of the seas.

It is a question in my mind whether this reservation strengthens or weakens article 8 of the covenant. I really believe it is mostly academic, because under the provisions of article 8, in my judgment, there never will come disarmament. I do not believe that we will get a permanent peace until we get some form of disarmament.

To my mind it is almost immaterial whether reservation No. 11 is agreed to or rejected.

Mr. HITCHCOCK. Mr. President, we shall certainly never get disarmament of the nations of the world if we mutilate article 10 as has been proposed by the reservation already adopted. The mutilation of that article and the withdrawal of the guaranty means an invitation to conquest, and that means that each nation must look out for itself, and the idea of disarmament becomes futile.

Mr. NORRIS. Article 8 is the one that provides for disarmament. If I had it in my power, so far as article 10 is concerned I would mutilate it still further. It ought to have been taken out of the treaty. There ought to be no vestige of it left.

Mr. LENROOT. Mr. President, whether or not Congress will ever adopt a plan for disarmament may be a serious question, but certainly Congress never will be insane enough to adopt such a plan unless this reservation is adopted.

The Senator from Nebraska [Mr. HITCHCOCK] says the article is destroyed with this reservation. Does the Senator from Nebraska advocate the United States adopting a plan of disarmament, and when some other nation not a member of the league may declare war upon the United States or threaten the United States with invasion that in such a case the United States must go to the league of nations and get consent to increase their armament? Is that the kind of Americanism the Senator from Nebraska stands for?

SEVERAL SENATORS. Vote!

Mr. JONES of Washington. Mr. President, I call for the yeas and nays.

The yeas and nays were ordered; and, being taken, resulted—yeas 56, nays 39, as follows:

YEAS—56.

Ball	Frelinghuysen	McCormick	Reed
Borah	Gore	McCumber	Sherman
Brandegee	Gronna	McLean	Shields
Calder	Hale	McNary	Smith, Ga.
Capper	Harding	Moses	Smoot
Coff	Johnson, Calif.	Myers	Spencer
Cummins	Jones, Wash.	Nelson	Stirling
Curtis	Kellogg	New	Sutherland
Dillingham	Kenyon	Newberry	Thomas
Edge	Keyes	Norris	Townsend
Elkins	Knox	Page	Wadsworth
Fall	La Follette	Penrose	Walsh, Mass.
Fernald	Lenroot	Phipps	Warren
France	Lodge	Poindexter	Watson

NAYS—39.

Ashurst	Harrison	Overman	Smith, Md.
Bankhead	Henderson	Owen	Smith, S. C.
Beckham	Hitchcock	Phelan	Stanley
Chamberlain	Johnson, S. Dak.	Pittman	Swanson
Culberson	Jones, N. Mex.	Pomerene	Trammell
Dial	Kendrick	Ransdell	Underwood
Fletcher	King	Robinson	Walsh, Mont.
Gay	Kirby	Sheppard	Williams
Gerry	McKellar	Simmons	Wolcott
Harris	Nugent	Smith, Ariz.	

So reservation No. 11, offered by Mr. LODGE on behalf of the committee, was agreed to.

The VICE PRESIDENT. The Secretary will read the next reservation proposed by the Senator from Massachusetts.

The Secretary read as follows:

12. The United States reserves the right to permit, in its discretion, the nationals of a covenant-breaking State, as defined in article 16 of the covenant of the league of nations, residing within the United States

or in countries other than that violating said article 16, to continue their commercial, financial, and personal relations with the nationals of the United States.

Mr. WADSWORTH. Mr. President, I shall take but a moment to discuss the reservation now before the Senate, and I venture to do so because I think it has not been previously discussed. If so, at least, I have not heard any of that discussion. I desire to call the attention of Senators to article 16 of the covenant of the league of nations, which reads:

Should any member of the league resort to war in disregard of its covenants under articles 12, 13, or 15, it shall ipso facto be deemed to have committed an act of war against all other members of the league, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a member of the league or not.

I venture the assertion that the gentlemen at Paris who drew article 16 and agreed to it on behalf of the United States forgot, among other things, I may observe, the composition of the population of the United States. I think I can illustrate the situation very simply, Mr. President. Articles 12, 13, and 15 constitute certain covenants into which each member of the league is to enter. Article 16 provides that if any member of the league violates any one of those covenants all of its nationals the world over are to be ostracized in a business, financial, and personal sense. Let us suppose that Italy breaks its covenant under either articles 12, 13, or 15, instantly she is deemed to have committed an act of war against every member of the league, and each and every member of the league thereupon undertakes, under the covenant, to prevent all financial, commercial, and personal intercourse between the nationals of the covenant-breaking State and the nationals of every other State.

Now, let us translate that situation to the United States. We will say that Italy in a moment of enthusiasm or prejudice, as the case may be, in connection with Fiume or some question involving jurisdiction over the Dalmatian coast refuses to arbitrate, as provided in one of the previous sections, or refuses to wait the prescribed length of time before going to war in settlement of such a question, and thereby breaks her covenant, every Italian citizen residing in the United States must be cut off from all personal, financial, and commercial relations with every American citizen.

Mr. KNOX. Mr. President—

Mr. WADSWORTH. I yield to the Senator from Pennsylvania.

Mr. KNOX. Do I understand the Senator from New York to construe this article to mean that under the circumstances indicated I would have to discharge the Italians who dig potatoes on my farm?

Mr. WADSWORTH. Absolutely; there is no question about it; the language is perfectly clear. The men who drew it did not know what they were drawing, certainly in its application to the United States.

Now, let us see what this means; it will take but a moment. I have here the census figures for 1910. As Senators, of course, realize, they are not adequate, for the foreign-born population of the United States has grown considerably since 1910; but they show that there were in the United States in 1910, 6,046,817 foreign-born white males 21 years of age or over. Of that number 2,266,535 were aliens; they were not citizens of the United States; and 775,393 were in the class denominated "citizenship not recorded." So it is safe to say that there were at that time over 3,000,000 foreign-born alien males over 21 years of age residing in the United States.

Now, as to Italy. There were at that time 712,812 male foreign-born Italians resident in the United States, and of them, roughly speaking, 530,000 were aliens. It is safe to say that there are many more than 530,000 Italian citizens in the United States to-day. If Italy should break her covenant under either articles 12, 13, or 15 of the league of nations, over half a million Italians living in the United States would have to be interned behind barbed wire, fed, and clothed. The situation would be absurd. One has only to describe it, I believe, to show the absolute necessity of a reservation such as that now pending before the Senate.

One can carry the illustration further. In 1910, according to the census of that year, there were 402,000 Austrians residing in the United States who were aliens, and if Austria, upon becoming a member of the league of nations, should thereafter break her covenant more than 400,000 Austrians residing in the United States, working in the coal mines, working in the steel mills, working along the railway tracks, running little stores, publishing little newspapers, each and every one of them would have to stop doing any business with an American citizen and every American citizen would have to stop doing business

with each and every one of those Austrians. Universal ostracism and the threat of starvation would ensue; and, mind you, Senators, they would be perfectly innocent people. They would have had nothing to do with the fact that the Austrian Government saw fit to break its covenant; in fact, they would be helpless to prevent the Austrian Government breaking its covenant; but the instant the Austrian Government did so, every Austrian citizen residing in the United States—and we should double the number, because there may be and probably are an equal number of Austrian women citizens residing in the United States—every one of them must be driven out of business. Indeed, we are pledged as a Government to do this very thing.

It passes my comprehension how any Senator can vote against this reservation. The reservation very simply provides that—

The United States reserves the right to permit, in its discretion, the nationals of a covenant-breaking State, as defined in article 16 of the covenant of the league of nations, residing within the United States or in countries other than that violating said article 16, to continue their commercial, financial, and personal relations with the nationals of the United States.

I am in part responsible for this reservation. The Foreign Relations Committee, I think, improved upon it when they inserted this language:

or in countries other than that violating said article 16.

For that will cover the case, we will say, of an Italian citizen residing in Canada. If Italy should violate her covenant, no American citizen, either in Canada or in the United States, could have business dealings with an Italian citizen residing in Canada; or, if that Italian citizen resided in Mexico, the same situation would exist. So the reservation puts it within the power of the Government of the United States to decide, when the time comes, whether or not it is wise or proper, or indeed decent, to ostracize all these hundreds of thousands of innocent people. That is all there is to this reservation. I can not conceive that any nation on earth will refuse to accept this reservation if it is incorporated in the treaty and submitted to the other Governments.

Before I sit down I ask unanimous consent of the Senate to offer an amendment to this reservation to correct what is an obvious error in phraseology, by striking out, on line 15, the words "said article 16" and inserting in their place the words "its covenants," so that the language will read:

or in countries other than that violating its covenants.

As it reads now—"in countries other than that violating said article 16"—it does not express the proper meaning, for it is not a question of violation of article 16; it is a question of violating the covenant under articles 12, 13, and 15. Article 16 is merely that article of the covenant which prescribes this astonishing penalty.

The VICE PRESIDENT. Is any objection made to making that change?

Mr. PHELAN. I object, Mr. President.

Mr. TRAMMELL obtained the floor.

Mr. WADSWORTH. Does the Senator from California insist upon his objection?

Mr. PHELAN. I object for the purpose of making the rule ridiculous. It has operated to-day to prevent reasonable amendments, on objection made from that side, and therefore I must insist on objecting. If the Senator offers it again in the Senate—

Mr. WADSWORTH. Mr. President, I regret exceedingly that the Senator from California should do that. His insistence on making that objection makes lines 14 and 15 meaningless. What rights have I, Mr. President, in the way of offering that amendment in the Senate?

The VICE PRESIDENT. Has the amendment been offered and read?

Mr. WADSWORTH. No; I had to ask unanimous consent just now to offer an amendment correcting an obvious error in the phraseology of this particular reservation. The Senator from California raises the objection.

The VICE PRESIDENT. The Chair is not to blame for the rule. He is compelled to hold that what is here is here, and what is not here can not get here.

Mr. PHELAN. Mr. President, I think my objection has served its purpose. I withdraw my objection.

Mr. WADSWORTH. I understand that the objection is withdrawn.

Mr. HITCHCOCK. Mr. President, for the present I shall be compelled to renew the objection. It may be that we will have some unanimous consents to ask when we get into the Senate, and we might at that time balance accounts.

Mr. WADSWORTH. Mr. President, I do not regard the little amendment that I asked to be accepted as at all vital to the

reservation. I only offered it in the interest of clarity of language; that is all. If objection is made, very well and good. However, the reservation stands as printed.

Mr. HITCHCOCK. I will say to the Senator that it may be possibly arranged later on.

Mr. TRAMMELL. Mr. President, the Senator from New York seems to feel that this provision is a very absurd one, and that the author of it did not know what he was doing with regard to the United States. I think, Mr. President, if we are to make any progress toward bringing about disarmament, if we are to make any progress toward bring about a world peace instead of continuing the old order of affairs, that of war, and all of the toll that it brings upon those who are engaged, we must necessarily have some provisions contained in the league of nations for its enforcement.

Those who oppose the league of nations shudder, and when you talk about the question of the nations standing together for the purpose of defending the political integrity and territorial boundaries of the member nations, even to the extent of considering recommendations made by the council as to a method of carrying out this provision, we now find that the Senator from New York objects to a boycott provision which would affect the nationals of other nations within our own country.

I take the position, Mr. President, that while in some instances this may inflict a hardship upon the nationals of other nations living within our borders, it comes as a penalty which is essential as a deterring effect upon the nations to whom these people owe allegiance, and not to the United States. If they come within our borders is it incumbent upon our Nation to be more decent with them than their own country?

The Senator in referring to the other nations says that it would not be decent for us to impose ostracism and a commercial boycott, not upon American citizens, not upon those who declare their allegiance to the United States but upon those who still declare and hold their allegiance to other nations. I say, Mr. President, that we need some teeth of this kind in the league of nations in order to carry out the high purpose and the exalted ideal of our great President when he went before the peace conference in advocacy of a plan whereby we may bring about a world peace, and stop the sacrifice of life, heartaches, and sorrow, and the destruction of the wealth created by the industry of the people, not only of one nation but of the entire world. I think we should allow it to remain there as one of the elements to deter other nations from engaging hereafter in useless war.

Mr. WALSH of Montana. Mr. President, I desire to say just a word in addition to the very pertinent remarks of the Senator from Florida [Mr. TRAMMELL] in relation to this matter.

By reservation numbered 3 we have practically destroyed all the vigor of article 10 of the covenant, under which a nation obligated itself eventually, at least, to make war upon any nation that should break the covenant and break the peace of the world. That is taken away. I address myself now to those upon the other side who are really sincerely desirous of having this treaty ratified, and putting some vigor in it. Still the commercial boycott is left by the provisions of article 16. Of course, if war existed, this commercial boycott would be automatically set up, not only between the people residing in the covenant-breaking State, but between our nationals and the nationals of that State, wherever they might be. Now, that is taken away; but, I beg of them, do not remove the further deterrent provided for by article 16, or destroy the efficacy of it.

Mr. President, if it does put the nationals of Greece or Italy or France in some other country in the embarrassing position referred to by the Senator from New York—and undoubtedly it does—is not that a consideration that that country ought to have in mind when it violates its covenants and breaks the peace of the world; and is it not necessary to have some kind of deterrent in order to hold it to the obligation of its covenant? Why sweep them all away?

Mr. GORE. Mr. President, I think one trouble about this economic boycott is that it sins against the fundamental principles of justice; it subjects the innocent to equal punishment with the guilty.

I do not know whether Senators from the Southern States and Senators from the Atlantic seaboard States have given as much attention to the consequences which may flow from this economic boycott as those consequences deserve.

The production of the farms and the prosperity of the farmers in the Atlantic seaboard States and in the Southern States is largely dependent upon commercial fertilizers. Nitrate of soda is an essential ingredient to the manufacture of commercial fertilizers. Nitrate of soda is obtained in a natural state only from Chile. It can not be obtained from any other country in the world. Now, if Chile should ever become a covenant-break-

ing nation, we stipulate under article 16 to forbid Chile to export nitrate of soda to any country on the globe. We voluntarily close our own doors against the reception of nitrate of soda from Chile. That means that the production of the farms in the Atlantic and Gulf States would be reduced from 25 to 75 per cent. It would disastrously affect, individually and in mass, the welfare of the farmers living in these sections. It would not only diminish the production of foodstuffs and products, it would not only impair the prosperity of the farmers themselves, but it would subject, if not to bankruptcy, at least to the danger of bankruptcy merchants who traded with these farmers. It would threaten with bankruptcy bankers who financed the merchants and financed the farmers living in these States. It seems to me rather unwise to visit the penalties of guilt upon the innocent.

That is not the only instance that might be cited. If the United States should ever become an isolated nation, if the economic boycott should ever be applied to the United States, then we could not ship one bale of cotton to any country in the world. To-day we export something like 50 per cent of our entire cotton crop. If the 50 per cent of that crop which we ordinarily ship abroad should be thrown back upon the domestic market, it would break the price, it would break the cotton farmer, it would break many merchants, and it would break many banks which deal with and which finance the cotton farmers of the South.

But that is not all. It may be said that we would deserve this penalty in case we violated our covenants. But mankind, other races, the peoples living in other countries, are dependent upon the United States for cotton, for cotton clothing, for their wearing apparel. We subject innocent nations, who are not parties to the quarrel, to the severest suffering, merely on account of our own offending.

That is not all. If Great Britain should be the isolated country, it would be impossible for the United States to ship cotton to Great Britain. I believe Great Britain takes about one-third of our entire crop. Great Britain has something like a billion dollars invested in cotton factories, and something like a million operatives in the various cotton plants, which means that five millions of human beings in England are dependent for their bread upon the importation of cotton into England, which means dependent upon the exportation of cotton from the United States. If England can not purchase our cotton, we can not sell our cotton. We are an innocent country, and yet we visit these grievous penalties upon ourselves.

A great many hundreds of millions of people purchase their cotton clothing from Great Britain. They would be denied the opportunity to supply their wants. They would be subjected to privation and suffering on account of no offense, no shortcoming of their own.

What I have said of cotton applies to many other products in the United States, particularly those which are exported to any considerable amount. I say again that this economic boycott punishes the innocent as well as the guilty; it stands against the highest principle of human justice.

I am not certain, Mr. President, whether the Senator from Montana [Mr. WALSH] is correct in saying that this penalty ought to be preserved; that the teeth ought to be allowed to remain in this covenant. In ordinary warfare, men who are trained to arms kill each other upon the field of battle, kill each other upon the field of glory, if you please, to use or misuse the word in that sense. But under the economic boycott women and children, helpless women and innocent children, are subjected to the tortures of hunger, starvation, and death, and that is commended to us as the spirit of humanity born with the new time.

Mr. HITCHCOCK. Mr. President, the argument made by the Senator from Oklahoma [Mr. GORE] is a very strong one as indicating how much of a deterrent the boycott would be to any nation threatening to violate its covenants and attack a member of the league.

But I want to call attention to another fact. It is now the policy of the United States not to have in the United States, nor encourage existing in the United States, a large number of nationals of other countries. We are going to Americanize the people of the United States, I believe, and public opinion will not tolerate in the future that men shall exist in large numbers in the United States who owe allegiance to another government. These people can save themselves from such economic boycott and such discrimination by becoming citizens of the United States, and we do not want people to exist in large numbers in the United States who are nationals of other countries.

Mr. GORE. Mr. President, I wish to say one word which I omitted, that it has seemed to me that an arrangement ought to have been made, indeed, an amendment ought to have been adopted to the league, under which the league itself could have

provided for the exportation of such goods as I have indicated, say, nitrate of soda from Chile, even while Chile was isolated, not permitting the Chileans to receive the money in payment until the war was over, and constituting the league the custodian of the proceeds, to make payment to the proper parties after the conclusion of hostilities.

Mr. REED. Mr. President, while we are going to exclude as unfit for residence in this country the people of other countries, as the Senator from Nebraska [Mr. Hitchcock] says we are, because we will not have anybody here who is not a loyal American, we are about to put America under the control of eight foreigners on the council. [Manifestations of applause and laughter in the galleries.]

Mr. FLETCHER. I was just going to suggest—

The VICE PRESIDENT. The Chair is going to suggest to the occupants of the galleries that the galleries will be cleared if the occupants do not keep quiet.

Mr. FLETCHER. Mr. President, in reference to the observations made by the Senator from Oklahoma [Mr. GORE], it is not very likely that all the world will be willing to go unclothed for any great length of time. Therefore I am not disturbed about the cotton situation.

Furthermore, I want to suggest to him, how long does he suppose Chile will be able to conduct a war if she is unable to export nitrate?

The VICE PRESIDENT. The question is on agreeing to reservation numbered 12.

Mr. JONES of Washington. I ask for the yeas and nays.

The yeas and nays were ordered; and, having been taken, resulted—yeas 53, nays 41, as follows:

YEAS—53.

Ball	Frelinghuysen	McCormick	Shields
Borah	Gore	McLean	Smith, Ga.
Brandegge	Gronna	McNary	Smoot
Calder	Hale	Moses	Spencer
Capper	Harding	Nelson	Sterling
Coff	Johnson, Calif.	New	Sutherland
Cummins	Jones, Wash.	Newberry	Townsend
Curtis	Kellogg	Norris	Wadsworth
Dillingham	Kenyon	Page	Walsh, Mass.
Edge	Keyes	Penrose	Warren
Elkins	Knox	Phipps	Watson
Fall	La Follette	Poinexter	
Fernald	Lenroot	Reed	
France	Lodge	Sherman	

NAYS—41.

Ashurst	Henderson	Owen	Stanley
Bankhead	Hitchcock	Phelan	Swanson
Beckham	Johnson, S. Dak.	Pittman	Thomas
Chamberlain	Jones, N. Mex.	Pomerene	Trammell
Culberson	Kendrick	Ransdell	Underwood
Dial	King	Robinson	Walsh, Mont.
Fletcher	Kirby	Sheppard	Williams
Gay	McKellar	Simmons	Wolcott
Gerry	Myers	Smith, Ariz.	
Harris	Nugent	Smith, Md.	
Harrison	Overman	Smith, S. C.	

NOT VOTING—1.

McCumber

So reservation No. 12, offered by Mr. LODGE on behalf of the committee, was agreed to.

The VICE PRESIDENT. The Secretary will state the next reservation.

The Secretary read as follows:

13. Nothing in articles 296, 297, or in any of the annexes thereto, or in any other article, section, or annex of the treaty of peace with Germany, shall, as against citizens of the United States, be taken to mean any confirmation, ratification, or approval of any act otherwise illegal or in contravention of the rights of citizens of the United States.

Mr. WADSWORTH. Mr. President, this reservation is intended to remove all question about a matter with reference to which a great many Senators have been in doubt.

It can not be contended that such a reservation will impede in any way the ratification of this or any other treaty.

On page 375 of the treaty, under the caption "Annex," following articles 296 and 297, will be found this language:

In accordance with the provisions of article 297, paragraph (d), the validity of vesting orders and of orders for the winding up of businesses or companies, or of any other orders, directions, decisions, or instructions of any court or any department of the Government of any of the high contracting parties made or given, or purporting to be made or given, in pursuance of war legislation with regard to enemy property, rights, and interests is confirmed. The interests of all persons shall be regarded as having been effectively dealt with by any order, direction, decision, or instruction dealing with property in which they may be interested, whether or not such interests are specifically mentioned in the order, direction, decision, or instruction.

In the hearings which were held before the Committee on Foreign Relations the meaning of that language was discussed especially, and I note, on page 29 of the copy of the hearings which I have before me, that a discussion occurred between the chairman of the committee, the Senator from California [Mr. JOHNSON], and Mr. Bradley Palmer, who was a witness before

the committee. It will be remembered that Mr. Palmer was one of the financial experts advising the American commission at Paris. The Senator from California [Mr. JOHNSON] called attention to the fact that the annex reads:

The interests of all persons shall be regarded as having been effectively dealt with by any order—

And so forth.

Meaning, under that language, any order given by the Alien Property Custodian in this country and as applicable to this country. Mr. Palmer contended that the term "all persons" included only alien enemies, which had been dealt with by an order of the Alien Property Custodian in the United States; and yet it is difficult to give it that construction and confine its limitations to that narrow degree, for the annex reads:

The interests of all persons shall be regarded as having been effectively dealt with—

"All persons" includes American citizens. Mr. Palmer and Mr. Baruch contended otherwise, but I think were not very strong in their contention; in fact, in reply to a question of the Senator from California, who said:

I would not wish to disagree with you, Mr. Palmer, concerning the construction of language with which you are familiar, but is not that a strained construction, to say the least?

Mr. Palmer said:

It might be, without the connection.

But the connection, I may say, is not apparent; and as the language in the annex reads to-day it affects all American citizens as well as all enemy aliens.

Continuing that annex we see that it adds:

No question shall be raised as to the regularity of a transfer of any property, rights, or interests dealt with in pursuance of any such order, direction, decision, or instruction.

That would seem to preclude any American citizen who may desire in the future to contest some action, some order, some direction or instruction of the American Alien Property Custodian from having any recourse in our own courts. The annex continues:

Every action taken with regard to any property, business, or company, whether as regards its investigation, sequestration, compulsory administration, use, requisition, supervision, or winding up, the sale or management of property, rights, or interests, the collection or discharge of debts, the payment of the costs, charges, or expenses, or any other matter whatsoever, in pursuance of orders, directions, decisions, or instructions of any court or of any department of the Government of any of the high contracting parties—

That means the Alien Property Custodian's Department in this country—

made or given, or purporting to be made or given, in pursuance of war legislation with regard to enemy property, rights, or interests, is confirmed.

There is a grave doubt whether or not that closes the door against American citizens in their effort later on—I do not know under what particular circumstances, but it is entirely possible—to contest some of the orders or directions or decisions of our own Alien Property Custodian. The purpose of this reservation is merely to make it clear that this annex, following these two articles of the treaty, shall not be taken to mean that American citizens are deprived of their rights in our courts to try out any case which they think they are warranted in presenting.

Mr. PENROSE. Will the Senator permit an interruption at that point?

Mr. WADSWORTH. Certainly.

Mr. PENROSE. I am very glad the Senator raised that point. I consider it very important. The information I have is that an agent of the Alien Property Custodian was sent to Paris to see that this was put into the treaty as strongly as possible, with a view of closing and validating every act of the Alien Property Custodian of this character, and if it does not apply to the American litigants it was hoped that it might apply.

Mr. WADSWORTH. I am not informed as to that—

Mr. PENROSE. The hearings before the House committee show that.

Mr. WADSWORTH. I am not informed as to the subject matter of the last observation of the Senator from Pennsylvania.

Of course, it is true that our representatives in Paris, as well as many of the other representatives, wanted to see to it that the acts and directions of the alien property custodians of all the allied powers should be confirmed so far as they affected the rights of enemy aliens residing in their respective countries, but I do not think they intended—at least, I dislike to think they intended—that all their acts should be confirmed, even to the extent of closing the door against an American citizen getting redress in an American court for some injury which he might

have suffered under the orders, decisions, or directions of our Alien Property Custodian. That is the purpose of the reservation.

The VICE PRESIDENT. The question is on the adoption of reservation No. 13.

Mr. SMOOT and Mr. HITCHCOCK called for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. NELSON (when his name was called). On this vote I am paired with the senior Senator from Arizona [Mr. SMITH]. I therefore withhold my vote.

The roll call having been concluded, the result was announced—yeas 52, nays 41, as follows:

YEAS—52.

Ball	France	Lenroot	Poindexter
Borah	Frelinghuysen	Lodge	Reed
Brandegee	Gore	McCormick	Sherman
Culder	Gronna	McCumber	Shields
Capper	Hale	McLean	Smoot
Coff	Harding	McNary	Spencer
Cummins	Johnson, Calif.	Moses	Sterling
Curtis	Jones, Wash.	New	Sutherland
Dillingham	Kellogg	Newberry	Townsend
Edge	Kenyon	Norris	Wadsworth
Elkins	Keyes	Page	Walsh, Mass.
Fall	Knox	Penrose	Warren
Fernald	La Follette	Philips	Watson

NAYS—41.

Ashurst	Henderson	Owen	Stanley
Bankhead	Hitchcock	Phelan	Swanson
Beckham	Johnson, S. Dak.	Pittman	Thomas
Chamberlain	Jones, N. Mex.	Pomerene	Tammell
Culberson	Kendrick	Ransdell	Trammell
Dial	King	Robinson	Underwood
Fletcher	Kirby	Shoup	Walsh, Mont.
Gay	McKellar	Simmons	Williams
Gerry	Myers	Smith, Ga.	Wolcott
Harris	Nugent	Smith, Md.	
Harrison	Overman	Smith, S. C.	

NOT VOTING—2.

Nelson Smith, Ariz.

So reservation No. 13, offered by Mr. LODGE on behalf of the committee, was agreed to.

Mr. LODGE. Mr. President, we have now been in session for more than six hours and have disposed of 10 reservations. I intend to move to adjourn—

Mr. SMOOT. Mr. President—

Mr. LODGE. I yield to the Senator from Utah to introduce a bill.

Mr. HITCHCOCK. I desire to inquire whether it is possible to do any business of that sort under the rule under which we are operating?

Mr. LODGE. By unanimous consent, surely it is.

Mr. GRONNA. Mr. President, I object.

The VICE PRESIDENT. Objection is made.

PROPOSED FINAL ADJOURNMENT OF THE HOUSE.

Mr. CURTIS. Mr. President, I offer a resolution and ask unanimous consent for its immediate consideration.

Mr. GRONNA. I object.

Mr. LODGE. Let the resolution be read.

Mr. CURTIS. I hope the resolution may be read before the Senator from North Dakota objects.

The VICE PRESIDENT. Without objection, the Secretary will read the resolution.

The Secretary read the resolution (S. Res. 231), as follows:

Resolved, That the consent of the Senate is hereby given to an adjournment sine die of the House of Representatives at any time prior to December 1 when the House shall so determine.

Mr. ASHURST. I object, Mr. President.

The VICE PRESIDENT. Objection is made.

Mr. SWANSON. Mr. President—

Mr. LODGE. I yield to the Senator from Virginia.

FUNERAL EXPENSES OF THE LATE SENATOR MARTIN.

Mr. SWANSON. I present a resolution and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Without objection, the Secretary will read the resolution.

The resolution (S. Res. 230) was read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate, the actual and necessary expenses incurred by the committee appointed by the President pro tempore in arranging for and attending the funeral of the Hon. THOMAS S. MARTIN, late a Senator from the State of Virginia, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

MEMBER OF MISSISSIPPI RIVER COMMISSION.

Mr. KIRBY. Mr. President, I ask unanimous consent, as in closed executive session, that the Senate confirm the nomination

of Col. Mason M. Patrick, who was appointed a member of the Mississippi River Commission. The nomination was referred to the Committee on Commerce, and the committee authorized me to report it favorably if the Senators from Col. Patrick's State did not object. They are in favor of the confirmation of his nomination, which has been held up for two months, and I should be very glad to have the nomination confirmed at this time.

Mr. SMOOT. I object.

The VICE PRESIDENT. Objection is made.

ADJOURNMENT.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 15 minutes p. m.) the Senate adjourned until Monday, November 17, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, November 15, 1919.

The House met at 10 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, profoundly sensible of a rich inheritance from Thee, through our fathers, in the sanctity of the home with all its endearing affections, in the Republic with its free and glorious institutions, in the Christian religion with its bright hopes and far-reaching promises, help us, we beseech Thee, to prove ourselves worthy of such preferment by living pure, generous, noble, patriotic Christian lives; and glory, and honor, and praise shall be Thine forever. Amen.

THE JOURNAL.

The Journal of the proceedings of yesterday was read.

Mr. KAHN. Mr. Speaker, I notice in the reading of the Journal it says that on motion of Mr. CURRY of California a bill was rereferred from the Committee on Foreign Affairs to the Committee on the Territories. I think that should be, "rereferred from the Committee on Military Affairs."

The SPEAKER. Without objection, the correction will be made.

There was no objection.

The Journal was approved.

QUESTION OF PERSONAL PRIVILEGE.

Mr. BLANTON. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Texas rises to a question of personal privilege, and to save time the Chair will state that he has seen the newspaper article upon which the gentleman bases his question of personal privilege, and the Chair thinks it does raise a question of personal privilege.

Mr. BLANTON. Mr. Speaker, although I am entitled to an hour, I would not take up even the few minutes I am going to use at this highly crucial time, when every moment is needed for public business, were it not for the fact that on many occasions the Washington Times has seen fit to abuse me in an unwarranted way. In the Times of yesterday, in a double half column, on the back page of that paper, cheap abuse was heaped on me. I have a right to show the Members of this House the animus which is behind this editor in this regard.

A short time ago, in the Washington Times, Mr. Brisbane saw fit to publish a statement in connection with my photograph wherein, immediately underneath my picture in the Times, was asserted, "The meanest man." That may be his opinion of me because I have seen fit to make some fights on the floor of the House in behalf of all the people from time to time.

Mr. Brisbane's Times asserts that I am the meanest man in the country. In connection with that and other attacks made upon me I called attention some time ago to the following facts as showing the reason for his animus. In other words, I called attention to the fact that on September 14, 1918, the Hon. A. Mitchell Palmer, who was then custodian of alien property, but who is now the Attorney General of the United States, made this statement:

The facts will soon appear which will conclusively show that 12 or 15 German brewers of America, in association with the United States Brewers' Association, furnished the money, amounting to several hundred thousand dollars, to buy a great newspaper in one of the chief cities of the Nation; and its publisher, without disclosing whose money had bought that organ of public opinion, in the very Capital of the Nation, in the shadow of the Capitol itself, has been fighting the battle of the liquor traffic.

I called attention to the fact that on page 742 of the printed hearings before the Senate subcommittee of the judiciary Mr. Arthur Brisbane, the editor of this paper, to which the Attorney

General of the United States had referred, was forced to testify that he had borrowed \$375,000 in cash from Mr. Feigenspan, a brewer, without interest or bankable security, to buy the Washington Times.

I do not care what my privilege is on the floor of the House, I take it I would have no moral right to resort to personal abuse any more than has Mr. Arthur Brisbane the moral right, in an unwarranted way, to maliciously attack a Member of Congress. I take it that I have no moral right, regardless of my privileges here, to resort to personal abuse against the editor who attacks me. I shall not resort to such abuse. I do not have to attempt to vilify a man in order to support my own standing in the country. It is unnecessary, because the Attorney General of the United States has already lodged a sufficient indictment against Mr. Arthur Brisbane when he has stated, in effect, that Mr. Arthur Brisbane is—what? A German brewers' pimp. [Laughter and applause.] That is what he is asserted to be—a pimp for German brewers in war times. It is the present Attorney General of the United States who thus indicts him. The German brewers' pimp says I am the meanest man in the country, and he makes an attack on me in his paper. Gentlemen, I will not take any further time.

ARMY REORGANIZATION.

Mr. KAHN. Mr. Speaker, I ask unanimous consent to make a brief statement to the House for about five minutes on the Army reorganization.

The SPEAKER. The gentleman from California asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. KAHN. Mr. Speaker, the Committee on Military Affairs has been holding meetings practically every day since the extraordinary session of Congress was convened. For three months of the time we have devoted ourselves to the taking of testimony on bills appertaining to the reorganization of the Army.

After every war in which this country has been a participant it became necessary to pass legislation reorganizing our Army. The great World War, in which we participated so successfully, has brought in its train many new problems regarding military organization, problems that were unknown to the Military Establishment of our country five years ago.

It is believed by the members of the committee that in the legislation that we will ultimately report to the House such branches of the Army as a tank section and a chemical warfare section will have to be provided. These are two of the entirely new developments of modern warfare. A number of new divisions and bureaus of the supply departments were also created during the war. Among these were the Finance Division, the Transportation Corps, the Motor Transport Corps, the Construction Corps, and the Bureau of Purchase, Storage and Traffic, while the Air Service was divorced from the Signal Corps and functioned as a separate organization. Some of these new organizations have been continued under the Army appropriation act of July 11, 1919, until June 30, 1920. Others will continue at the discretion of the President under the Overman act until six months after the proclamation of peace. Therefore the members of the Military Affairs Committee feel that these matters should be fully looked into, with a view of reaching a decision that will be satisfactory to the country as well as to the Army.

It is only fair to state that there is a diversity of opinion among the officers of the Regular Establishment as to the final solution of these problems. The committee is desirous of receiving all the light that may be obtained regarding the subjects at issue. Up to the present time the committee has not been able to hear the representatives of the National Guard organizations or other societies and associations who have expressed a desire to have some of their members appear before the committee. We recognize the fact that the legislation is intended to determine definitely the character and size of our military organization. To do our work thoroughly we will have to continue our hearings for the present. But we feel that we will be the better able to reach conclusions after we are fully informed upon the various matters embraced in the general scope of the Army reorganization bill.

The committee, however, have reached a practically unanimous conclusion as to the size of the Regular Army at this time. We feel that the legislation ought to contemplate a regular force of 250,000 combat troops. With the necessary auxiliary forces in the Supply and Staff Corps, it will probably bring the total number of officers and men to about 300,000. Enlisted men in the Regular Army, we feel, should be recruited by voluntary enlistments.

The committee has also reached a practically unanimous conclusion in favor of a single list. The question of promotion heretofore has been a serious and disturbing one in the matter of Army legislation. Your committee feel that if we can work out a plan for a single list for all officers which would supplant the lineal list that has prevailed in the past, an excellent purpose will have been accomplished and much of the dissatisfaction arising out of the question of promotions in the Army will be alleviated.

The matter of the National Guard and universal training will be fully considered by the committee in connection with the legislation of the reorganization of the Military Establishment.

ASSASSINATION OF SOLDIERS.

Mr. BRAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by publishing an editorial in the Washington Post in regard to the assassination of the soldiers at Centralia, Wash.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the Record by inserting an editorial from the Washington Post. Is there objection?

Mr. KNUTSON. Reserving the right to object, how long is the editorial?

Mr. BRAND. It is not very long, but it constitutes a just and strong indictment against the assassins of these soldiers which I heartily indorse.

The SPEAKER. Is there objection?

There was no objection.

The editorial is as follows:

A GRIM LESSON.

The dastardly outrage perpetrated at Centralia, Wash., causes the blood of every loyal citizen to boil with resentment. That former American soldiers, marching in a street parade in celebration of Armistice Day, should be shot down in cold blood by anarchist snipers is well-nigh inconceivable, and yet that is what happened on Tuesday.

Local authorities, backed by the righteous indignation of the people, may be counted upon to see that the punishment of the law is visited upon the assassins, and the wrath of the Nation will be satisfied with nothing less than the imposition upon the guilty ones of the extreme penalties permitted by the statutes.

That the murders were the work of the I. W. W. there is no doubt. With characteristic stealth and cowardice they fired upon the marchers from roofs and windows, hoping to make a get-away in the excitement.

Perhaps this distressing incident will have the effect of directing public and congressional attention to the imperative necessity of enacting more stringent laws for dealing with the radical element in this country and awaken the people to conditions which unfortunately have been too generally minimized. It is only when a bomb outrage is unearthed or when some such incident as that at Centralia attracts the public attention that the thought of the people is centered upon the red peril.

There is legislation now pending before Congress which, if enacted, will enable the Department of Justice to deport several hundred dangerous aliens now held in internment camps, but who must be released immediately upon the declaration of peace. If this bill does not become a law before peace is proclaimed, the Attorney General will be obliged to turn this desperate, lawless horde loose upon the country. Congress should delay action no longer.

But it is evident that deportation is not effective to deal with the situation. The intruder who breaks into a home with intent to commit murder and arson deserves something more than merely being ejected by the police. Sterner methods must be adopted for meeting the menace of radicalism, and the sooner Congress appreciates the fact and, casting aside all political and other considerations, proceeds to strengthen the bulwarks of American liberty the better it will be for the country.

There has been altogether too much timidity shown in connection with this question, too much pandering to politics, too much hesitation in attacking an obvious duty. Statesmen have professed a fear of weakening the safeguards of free speech vouchsafed by the Constitution, but of what use is our Constitution to us if the Berghers and the Debses and the Berkman, Goldmans, and Haywards get control of the Government?

We should have a new judicial definition of treason, for the people of the United States are beginning to realize that there is such a thing as treason without a state of war. Revolutionists, urging that the Government be torn down and destroyed, deserve a punishment more severe than a slap on the wrist and a free trip to Europe.

Centralia points a lesson which the people will do well to heed and to impress upon their Representatives in Congress.

The Centralia tragedy emphasizes the fact that the National Government is not alone responsible for the suppression of the reds. The police power of the State should be exerted, and must be exerted with far greater vigilance than heretofore, if public order is to be maintained. The murders at Centralia were crimes against the State, and, of course, will be prosecuted as such; but there has been very little preventive legislation in the various States, and now the red harvest of neglect is beginning to ripen.

The nests of anarchy must be rooted out by local officers. It is too much to expect the United States Government to stand watch at every keyhole. Local vigilance can do more than national organization in the running down of plotters.

Now that the reds have challenged the people there can be only one response. The law will be enforced and public order will be maintained. The coddling of insane anarchists must cease; the truckling to threatening organizations must come to an end.

Attorney General Palmer is on the right track in pushing the fight against the reds. He has the courage and ability to run them to earth. Every loyal citizen should support him in every possible way. The local authorities throughout the States should seek methods of protecting their respective communities by sharper surveillance and quicker punishment of the reds.

Let there be no temporizing with suspected reds, and no mercy for proved enemies of the United States.

THE COAL CONFERENCE.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. DENISON. Mr. Speaker, a conference of the coal operators and representatives of the coal miners has been called by the Secretary of Labor, acting for the President of the United States, to meet in Washington to adjust their differences, if possible. The conference is now considering the question.

I want to express in this public place the hope that the operators will recede from their position taken heretofore, at least to the extent of agreeing with the representatives of the miners to an increase in wages. I think the country and the coal miners are to be congratulated over the stand taken by Mr. Lewis and those associated with him in bowing to the law and the decree of the courts of the country. Whatever we may think about the law under which this proceeding was begun, it is the law; and it is the duty, of course, of all American citizens to submit to the law. If the law is bad or not what it ought to be, then the law ought to be repealed as soon as possible; but so long as it is the law, it ought to be obeyed. I think that the country and the miners are to be congratulated upon the stand their executives have taken.

There has been a great deal of misrepresentation, and there has been some of it here on the floor, in respect to what some have called the exorbitant demands of miners in respect to wages. For instance, it has been frequently stated that the coal miners earn from five to ten and twelve dollars a day, which may be true. But the coal business is a peculiar thing. Very often the mines work only two or three days a week. Coal is a peculiar commodity. It is both bulky and combustible. It can not be stored. Therefore it has to be mined just as the demands of the market and the supply of cars permit. Sometimes there is a good demand for coal but no available supply of cars. At other times there may be plenty of cars but no sale for the coal. In either case the mines do not work and the miners lose their wages. Work in coal mines fluctuates with the market conditions and the supply of cars.

Mr. SNYDER. Mr. Speaker, will the gentleman yield?

Mr. DENISON. I have only five minutes.

Mr. SNYDER. I just want to correct one statement which is frequently made in the newspapers and which the gentleman has just made, that coal can not be stored. As a practical proposition, coal can be stored, because there has not been a time in the last five years, notwithstanding the war, when I have not had on my own yard from 800 to 1,000 tons of coal, and some of it for three years at a time.

Mr. DENISON. Of course, the gentleman must understand what I mean. I mean that the coal companies can not store the coal at their mines. Of course every individual can put a few tons in his bin. But there is only one way known, so far as I have ever heard, by which you can store large quantities of coal, and that is in water; but there is not a coal mine in this country, that I know of, where they are prepared to store coal. The expense involved makes it prohibitive. Therefore work in the mines means frequently only work for two or three or four days a week; and the coal miners with their families to support, with the cost of living as it is at the present time, and as it has been for the past year, can not support their families and educate their children as they are entitled to do upon the wages they are now receiving. When a man can only work two or three or four days a week he must receive higher wages than do those in other employments where there is work six days in the week.

Those who try to exaggerate the earnings of the coal miners always refer to what they get per day, instead of what they get per month or per year; when you consider their earnings from month to month and from year to year, you will find that the coal miners are underpaid; they ought to have better wages in my judgment. I want to express in this public place, while this conference is now going on here in Washington, the hope that the operators will not take their stand on the technical construction of the law that was passed for war purposes, but will consider the whole question in a broader light, and especially in view of the present unfortunate conditions which oppress us all. When a large class of our people are actually oppressed by living conditions it is but natural that they should feel a resentment which finds expression in discontent and a demand for relief. Such conditions must be recognized and dealt with in a public rather than a selfish spirit. This is a time for liberal and just treatment for all American workmen.

There has been a great deal of prejudice aroused by statements frequently made that the demand of the coal miners and other workmen for improvement in their conditions and for increases in their wages is due to the agitation of foreigners. It may be true that a part of the troubles that are now existing in certain parts of the country have been caused by foreigners who have gotten into the labor unions. But I want to say that that is not the case in Illinois, at least not in the part of Illinois that I represent. While there are a great many foreigners in the coal mines of Illinois, they are, as a rule, law-abiding, substantial men, and most of them are American citizens.

The coal miners in southern Illinois are mostly farmers and sons of farmers and others who have gone into the mines because the conditions of employment in other lines of work have been too unremunerative. They have their homes and their families, and, like others, want to live according to the standards of those about them and educate their children. I think they are entitled to that and even more.

And I think the wages of the coal miners should be sufficient to enable them not only to live in comfort and educate their children, but to save for their families and for the rainy day. They can not do so on the wages they are now receiving. I think the coal miners have been very reasonable in their wage demands since this country entered the war. No part of our citizens were more patriotic or did more to enable us to successfully prosecute the war than the coal miners. They refused exemptions on the ground of their employment; they enlisted loyally, and they contributed liberally to the purchase of Government bonds and donations for the Red Cross and other war work, and I do not think they have made any extravagant demands for wages.

And now, when the cost of everything they have to have is so high, it seems to me they are entitled to a readjustment of things.

I have been, Mr. Speaker, busily occupied during the past two months in connection with this railroad legislation that is now before the House. On account of strikes and threatened strikes and other disturbances in various parts of the country, the public has no doubt been aroused, and there has been considerable sentiment created against the officials of some of the labor organizations. I have hoped that this feeling would not be reflected in any legislation that is to be passed at this time. I have believed that our endeavor should be to deal justly in these matters and prevent any radical legislation that might tend to increase rather than decrease the unrest and discontent that seems to be prevalent in the country. A large part of the people I represent work in the coal mines and on railroads, and whatever legislation may be passed, I hope it may help them and at the same time be fair and just to the rest of the country.

During the consideration of the pending railroad bill I received communications from persons who asked that the bill contain some kind of a provision authorizing the Interstate Commerce Commission to compel railroads to provide facilities for the storage of coal. I discussed the matter with members of the committee; but so far as we could learn, the proposition presented difficulties which rendered it impracticable. If coal could be safely stored so that work in the coal mines could be made more steady and uniform, many of the difficulties of the coal miners could be avoided; but until that can be done, coal mining must remain very irregular and the work of coal miners must be accordingly uncertain. And under such circumstances it is necessary that their wages should be adjusted accordingly.

I hope that the conference may result in an amicable settlement of the matter and an agreement by which the coal miners may get a substantial increase in their wages. Coal is a necessity for the Nation, and work is a necessity for the miners. If both parties should but keep those facts in mind and approach the controversy with open minds and with public spirit, I believe there can be an adjustment which will work to the advantage of both the contending parties and the public.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to address the House for five minutes. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I wish to ask in connection with that that the gentleman from Virginia [Mr. Woods] have five minutes.

The SPEAKER. The gentleman from Texas couples with that the request that the gentleman from Virginia [Mr. Woods] have five minutes. Is there objection?

Mr. ESCH. Mr. Speaker, I think we ought to make progress on the bill under consideration, and I object.

The SPEAKER. The gentleman from Wisconsin objects.

Mr. WOODS of Virginia. I do not ask for five minutes.

Mr. BLANTON. Mr. Speaker, I withdraw my request.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming? [After a pause.] The Chair hears none, and the gentleman is recognized for five minutes.

Mr. MONDELL. Mr. Speaker, I have listened with a great deal of interest to what the gentleman from Illinois [Mr. DENISON] just said. We are all in favor of having good wages paid to everybody in this land—the men in the coal mines, the men out of the coal mines, and everywhere. Public welfare is never so well conserved as when men and women everywhere are paid well for their work and effort. They ought to be so paid. These questions of wages and conditions of labor vitally affect not only the employees in industries and the employers but the general public, which should have its interest considered as well as the interests of the men who are engaged in an industry, and of those who employ them. It has become quite evident in the recent past that many employers are perfectly willing to agree to any sort or kind of an arrangement relative to employment so long as they can pass the added cost with an added profit on their part along to the public. [Applause.] It is about time that the public woke up to the fact that the people as a whole have rights as well as the individuals in certain lines of employment and the employers in certain industries. The industry of coal mining is dangerous. It is trying; it is difficult. Men in that line of employment are entitled to more than a fair wage. They are entitled to a liberal wage. But in this as in all lines of endeavor one of the questions to be considered is what a certain amount of effort is worth to the world. What men are entitled to as compared with what other men can earn with similar effort working for themselves or others in other employment. The coal operators would in my opinion have been perfectly willing to agree to even the extraordinary demands of the officials and representatives of certain of the coal miners if they thought they could pass the added cost on to the public with a little added profit on the side, as they have done during the war. They concluded that the public was not ready to pay the increased price of coal that the granting of those demands would entail with an added profit for themselves besides. What I hope is that when wage conferences meet to consider wages and conditions of labor there will be considered not only the interest of the men who work and the men who employ in the particular fields under consideration but the interest of the public as well, to the end that no arrangement may be made whereby the price of an essential commodity shall be advanced to a point where the people can ill afford to pay for it, shall not be raised above a price necessary to pay a liberal wage and a fair profit. It is about time that the public woke up to its interest in all these matters and insisted that both sides to wage controversies should have some regard to the plain, ordinary citizen who in the long run pays the bill. [Applause.]

THE RAILROAD BILL.

Mr. ESCH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10453) to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the railroad bill, with Mr. WALSH in the chair. The Clerk reported the title of the bill.

The Clerk read as follows:

SEC. 404. Section 2 of the commerce act is hereby amended to read as follows:

"SEC. 2. That if any common carrier subject to the provisions of this act shall, directly or indirectly, by any special rate, rebate, drawback, or other device, charge, demand, collect, or receive from any person or persons a greater or less compensation for any service rendered, or to be rendered, in the transportation of passengers or property or the transmission of intelligence, subject to the provisions of this act, than it charges, demands, collects, or receives from any other person or persons for doing for him or them a like and contemporaneous service in the transportation or transmission of a like kind of traffic or message under substantially similar circumstances and conditions, such common carrier shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful."

Mr. RAYBURN. Mr. Chairman, I move to strike out the last word. Mr. Chairman, on November 13 there was mailed to the Members of the House a communication signed by the "Plumb Plan League," containing various and sundry statements with reference to the so-called Esch bill, its provisions, and its preparation. I was not a member of the subcommittee that framed this legislation. I am, however, a member and served as a member on the full committee. Of course, I have had some sur-

prise that some member of the subcommittee, and especially some member of the majority of this committee, has not said something more than the mere reference of the gentleman from Wisconsin the other day to this remarkable document. It goes on, among other things, to say that labor was not consulted in the preparation of this bill, which is known to be an absolute untruth by every member not only of the subcommittee but of the full committee. It goes on to say further that "bad as the provisions of the Cummins bill are, the provisions reported by the subcommittee and adopted by the full committee are even more vicious than the provisions of the Cummins bill."

Among other things it pays Congress this high compliment—Apparently our statesmanship is as bankrupt as our railroads.

Of course, in the light of the public sentiment in this land, when I believe that 80 per cent of the people of this country are for a Government of law [applause], where they believe that every man, it matters not how high his position nor to what organization he belongs, should obey the law the same as every other man of this Government. [Applause.]

Mr. FESS. Will the gentleman yield?

Mr. RAYBURN. I will.

Mr. FESS. Would it embarrass the gentleman to say who is making that statement?

Mr. RAYBURN. The letter accompanying the statement is signed, "Sincerely, yours, the Plumb Plan League."

Mr. FESS. And no responsible—

Mr. BLANTON. Who is the manager of that league?

Mr. RAYBURN. The president of this concern is Mr. Warren S. Stone, grand chief of the Brotherhood of Locomotive Engineers. The manager of this concern is Edward Keating, formerly a Member of Congress.

Mr. FESS. Is Mr. Keating the same man who is on a commission drawing a salary from the Government?

Mr. RAYBURN. He is.

Mr. FESS. Well, can the gentleman state upon what responsibility a man serving upon a commission drawing a salary from the Treasury can operate as a manager for something that is entirely disconnected with anything for which he is paid out of the Treasury?

Mr. RAYBURN. There is a certainty in my mind that if Mr. Keating is attending to the duties of the office to which he was appointed he can not attend to this job. [Applause.] If he is attending to this job, then he can not attend to the Government job which he holds. [Applause.]

Mr. KING. Will the gentleman yield?

Mr. RAYBURN. I will.

Mr. KING. What work is he doing that takes all his time in connection with this league?

Mr. RAYBURN. I did not say it was taking all of his time. I say he is laying down on one of the jobs.

Mr. KING. Which one?

Mr. RAYBURN. I do not know.

Mr. FESS. Will the gentleman again yield?

Mr. RAYBURN. I will.

Mr. FESS. The statement to the effect that the Congress has become bankrupt in statesmanship should come from somebody who has had time to make the investigation, consequently he is not idle or would not make the statement.

Mr. RAYBURN. The people who write and sign such documents as this make statements without investigation and with a total disregard of the truth. [Applause.]

Mr. STEVENSON. Will the gentleman permit one question?

Mr. RAYBURN. Yes.

Mr. STEVENSON. Is it not a fact that Mr. Keating is merely serving on a commission created by this Congress and appointed by officers of this Congress, and has not Congress jurisdiction over him entirely? It is not a matter of Executive appointment, but a matter of appointment by Congress, and if he is violating the proprieties, why, the Congress has entire power to either abolish the commission or kick him out.

Mr. RAYBURN. The statement of the letter is as follows:

While these labor provisions cover several pages of the bill it is the significant fact that not one representative of organized labor was consulted in their preparation. We are convinced that the same man that wrote the financial provisions, giving Wall Street everything it asked, also drafted the labor clauses.

This travesty on legislation reveals the fundamental weakness of all schemes to return the roads to their former owners. The fact is that private ownership of the means of transportation has broken down. The Esch bill seeks to resuscitate it by granting outrageous increases in rates and extravagant Government subsidies.

I speak for myself; other members of the committee may speak for themselves; the statement that labor representatives were not consulted and were not given a full hearing upon this bill, and the further statement that Wall Street wrote any provision of this bill, is a slanderous lie. [Applause.]

And the men who make that statement place themselves in the category of common scolds and common slanderers. [Applause.]

The Clerk read as follows:

Sec. 405. The first paragraph of section 3 of the commerce act is hereby amended by inserting "(1)" after the section number at the beginning thereof.

The second paragraph of section 3 of the commerce act is hereby amended to read as follows:

"(2) All carriers, engaged in the transportation of passengers or property, subject to the provisions of this act, shall, according to their respective powers, afford all reasonable, proper, and equal facilities for the interchange of traffic between their respective lines, and for the receiving, forwarding, and delivering of passengers or property to and from their several lines and those connecting therewith, and shall not discriminate in their rates, fares, and charges between such connecting lines. The commission may require the terminals of any such carrier to be open to the traffic of other such carriers upon such just and reasonable terms and conditions, including just compensation to the owners thereof, as the commission after notice and full hearing, upon complaint or upon its own initiative, may by order prescribe."

Mr. MADDEN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. MADDEN: Page 55, line 9, after the word "prescribe," amend by adding a new section, as follows:

"(3) From and after the passage of this act it shall be unlawful for any common carrier, owner, operator, manager, trustee, receiver, or lessee of any transportation system or systems within the territorial boundaries of the United States of America and engaged in or soliciting interstate commerce under a common control, management, or arrangement for a continuous carriage, or any servant, agent, employee, or official of such common carrier, owner, operator, manager, trustee, receiver, or lessee, or any other person, to deny, or refuse to furnish, by any method or device whatsoever, equal and identical rights, accommodations, and privileges to any person who shall apply therefor and pay, or offer to pay, the uniform charge or charges for interstate transportation, when such denial is on account of the race, color, or previous condition of the person so applying; or to operate upon any part of their transportation system or systems any car, train of cars, vessel, or other conveyance, in and upon which any person being transported to a final destination beyond the boundaries of any State or Territory of the United States of America or beyond the boundaries of the District of Columbia, and paying or offering to pay, the uniform charge or charges for transportation in interstate commerce, shall, on account of race, color, or previous condition of servitude be separated from any other passenger paying or offering the uniform charge or charges for transportation in interstate commerce, or be denied rights, accommodations, and privileges equal and identical to those accorded every other person paying the uniform charge or charges for interstate transportation; or to assault, molest, or in any other way injure or oppress any person for the exercise of any right herein granted or protected. "Whoever shall violate any of the provisions of this section, or connive at the violation thereof, shall, upon conviction, be fined not less than \$1,000 nor more than \$5,000, or be imprisoned for not less than one year, nor more than five years, or be both fined and imprisoned, and each succeeding day's violation of the provisions hereof shall constitute a separate offense."

Mr. BLANTON. Mr. Chairman—

Mr. BARKLEY. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state the point of order.

Mr. BARKLEY. The point of order is that it is not germane to the section which we have just read nor to anything contained in the bill. The section which we have just read is a provision regulating the interchange of freight between carriers subject to the act, and regulating the compensation or distribution of compensation as between carriers who interchange freight and passengers. The amendment offered by the gentleman from Illinois [Mr. MADDEN] seeks to compel all carriers subject to the act to afford not only equal but identical service and accommodation to passengers, and seeks to prevent any railroad company, notwithstanding the regulations that may be in force in any State, from compelling or requiring various classes of passengers to occupy different parts of a train or accommodations.

Now, there is nothing in this bill which attempts to infringe upon the rights of local communities to regulate the passenger traffic over lines running through a State, with reference to classes of accommodation or to separation of cars for particular passengers.

The gentleman's amendment, if it is adopted, would accomplish the result which he desires to accomplish, to wit, compelling the railroads to not only furnish equal accommodations, which they are required now to do under all the State laws, but to furnish identical accommodations. They would have no right to separate any class of passengers who might be riding upon a train, under the amendment offered by the gentleman from Illinois. There is nothing in this bill that seeks to regulate passenger traffic, except that all charges, both for freight and for passengers, shall be just and reasonable. There is nothing in this bill that seeks to limit the railroads in furnishing various compartments or separate cars for various kinds of passengers. And certainly the amendment of the gentleman from

Illinois is not based upon anything that is in the section which we have already read, or is in any part of the bill. Therefore I make the point of order that it is not germane to the section or to the bill under consideration.

Mr. BLANTON. Mr. Chairman, I make the further point of order that there is no provision in the section to which this is sought to be an amendment, providing for any criminal penalty whatever; and the amendment offered by the gentleman from Illinois [Mr. MADDEN] seeks to specify what kind of acts shall constitute a crime, together with providing a penalty for its violation. And it is clearly subject to a point of order on that account.

Mr. MADDEN. Mr. Chairman, the contention of the gentleman from Kentucky [Mr. BARKLEY] and also the contention of the gentleman from Texas [Mr. BLANTON] that the amendment offered is not germane, either to the section of the bill or to any provision of the bill, I maintain are not well taken. To begin with, section 405 of the pending bill proposes to amend section 3 of the commerce act, which is entitled "undue preference." These have been held by the Federal courts to be matters of fact and not of law. Some of the items to be taken into account in connection with the undue preference are the public acts, the convenience of public interest of the carrier, relative to volume of traffic, relative to cost and profit to the carrier, and so forth.

Now, this bill provides for an appropriation of \$250,000,000 to be turned over to the carriers of the country as a fund with which to enable them to proceed uninterruptedly and successfully after the roads have been turned over to them by the Government.

The record shows that the additional cost of maintaining separate cars in the States where they are maintained is about \$20,000,000 a year, and it becomes a burden upon the taxpayer by reason of that excessive cost. And inasmuch as the Government now is to supply the funds with which to enable the carriers to proceed with success, I maintain it becomes a very serious question as to whether or not separate carrying facilities shall continue to be furnished.

Mr. MOORE of Virginia. Mr. Chairman, I would like to inquire whether the gentleman can proceed to debate the question upon its merits? Personally, I would like to debate it on its merits. I would never make a point of order, but if there is to be any debate, we should all have an opportunity of participating in it.

Mr. MADDEN. I am endeavoring to argue the point of order. The gentleman from Kentucky [Mr. BARKLEY] made the statement that this was not germane to any part of the bill, and I am endeavoring to show, since the bill carries an appropriation of \$250,000,000, that that is a material part of the bill. And if any part of that \$250,000,000 is to be used to supply additional facilities that can be gotten along without, I maintain that is not arguing the merits of the amendment at all, but arguing the reasons why it is germane. And this \$250,000,000 we are appropriating in this bill is to be raised by taxation against the people of the United States, and it is of material interest to the people of the United States whether any part of the \$250,000,000 is to be expended for a function of the railroads which can be properly eliminated.

Mr. BLANTON. Mr. Chairman, I withdraw my point of order. I would like to get a vote on it.

Mr. MADDEN. Well, there is another point of order pending. I am willing to take it on its merits. If the gentleman will withdraw it I will be glad. Section 3 of the commerce act provides:

All carriers engaged in the transportation of passengers or property, subject to the provisions of this act, shall, according to their respective powers, afford all reasonable, proper, and equal facilities for the interchange of traffic between their respective lines.

Now, if the language which I have just read does not mean that equal facilities shall be afforded to men and women who travel, as well as for bags of sand and cars of coal, all very well. But I maintain that equal facilities must be supplied to all traffic, whether it be freight or whether it be passengers. And if I read correctly the language of the section of the interstate-commerce act which this language proposes to amend, and also read the language of the proposed amendment, I can not lead myself to believe and understand that the amendment which I have proposed is not in every way germane, not only to the section which it proposes to amend but to the section of the interstate-commerce act which is sought to be amended.

The CHAIRMAN. The Chair is ready to rule. The section of the commerce act which is under consideration by the proposed amendment in the bill known as section 405, is section 3, which deals with undue or unreasonable preference, or advantages, facilities for interchanges of traffic, and discrimination

between connecting lines. The first paragraph of the section does not state, but it provides in substance—

That it shall be unlawful for any common carrier to make or give undue or unreasonable preference or advantage to any particular person or subject any particular person to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

The paragraph which is amended is paragraph 2, which deals with the matter of affording reasonable, proper, and equal facilities for the interchange of traffic, for the receiving, forwarding, and delivering of passengers and property, and to prevent discrimination in the rates, fares, and charges between connecting lines. It further provides that the commission may require terminals to be opened upon reasonable terms and conditions.

This amendment, as proposed by the committee and as printed in the bill, the Chair thinks, makes the original section 3 of the commerce act subject to any proper and germane amendment. The gentleman from Illinois [Mr. MADDEN] offers an amendment which proposes to insert a new paragraph to this section of the bill, and the subject of the amendment of the gentleman is, in effect, that railroads subject to the commerce act shall not deny or refuse to furnish equal and identical rights, accommodations, and privileges to persons who shall apply and pay or offer to pay the charges for interstate transportation when any such denial is for any particular reason set forth in the amendment, and therefore that such persons shall not be molested for particular reasons, and it also adds a penalty. The point of order made by the gentleman from Texas [Mr. BLANTON] in respect to the penalties, the Chair understands, has been withdrawn.

Mr. BLANTON. Yes. I withdraw it.

The CHAIRMAN. And the only point of order pending is that of the gentleman from Kentucky [Mr. BARKLEY], that this particular amendment is not germane to the paragraph in the bill or to the section of the commerce act.

The Chair is of opinion that, inasmuch as Congress has heretofore passed legislation—section 3 of the commerce act—dealing with undue or unreasonable preferences or advantages to any particular person, company, firm, corporation, or locality, and with the matter of subjecting any particular person, company, firm, corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatever, it is within the province of Congress to further restrict the action of carriers subject to the commerce act in the matter of giving undue preference or subjecting persons to unreasonable or undue disadvantage; and inasmuch as the substance of the amendment of the gentleman from Illinois deals with the matter of subjecting persons to any undue or unreasonable disadvantage when they have paid or offered to pay for transportation in interstate commerce, the Chair therefore overrules the point of order.

Mr. MADDEN. Mr. Chairman, now as to the justice of the amendment, I wish to say that in the largest part of continental America there is no discrimination whatever as to who shall ride, or when, or in what car. It is only in certain sections of the United States that the prohibition is enforced. It is true there is no law that prohibits the States in which this exercise of power is practiced from making police regulations to do what they do, but I maintain that there ought not to be any power in any State in the land to make a police regulation that enables that State to do what other States of the Union do not do.

There is no trouble whatever in the States in which freedom of travel prevails. Nobody has ever been heard to complain that they are inconvenienced by the fact that freedom of travel exists between all peoples, and I maintain that the laws of the United States should be uniform and applicable to every State in the Union alike, to all the peoples of the United States alike.

Now, what happens? We do not admit to our citizenship the Japanese or the Chinese, but if a Japanese or a Chinaman gets on a train at Chicago with a through ticket to Birmingham, Ala., I venture to say that there will be no official in Alabama who will take the Japanese or the Chinaman from the car in which he starts on his journey and compel him to enter another car when he reaches the border line of the State of Alabama. Now, if that be true with respect to those who are not entitled to American citizenship, why should there be a distinction as to those who not only are entitled to American citizenship, but who are native-born Americans? The Chinaman or the Japanese is not called upon to exercise any responsibility in time of need for the protection of the American flag, and neither would the Government of the United States have the power to requisition him for that purpose. But what do we do? Do we make any distinction as to the color of a man's skin when we need defenders of the Nation's flag? Do we ask the man whom we requisition to become a soldier whether he is black or white?

What is it that we do ask him? We ask him if he is physically fit, and if he is physically fit to do the things that are required to be done to preserve American honor and perpetuate American institutions we draft him into the Nation's service, where he may yield up his life. That being the case he should have equal rights under every law of the land.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. STEVENSON. Mr. Chairman, I regret that this question has been injected here. But it might as well be met at one time as another. [Applause.] The people of the Southern States, in so far as I know, have legislation for separate coaches for the white and colored people, and have provided that an equal accommodation should be provided for both. [Applause.] In so far as the law of South Carolina is concerned, I have the honor to have drawn, in conjunction with another, the amendments to the separate-coach act which has been the statute that has been on the statute books of that State ever since 1899, and it provides for absolute equal accommodations for both races, and there is no discrimination against either one. [Applause.]

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. SNYDER. Inasmuch as you have provided those accommodations, do you give them to them?

Mr. STEVENSON. The accommodations are substantially given.

Mr. SNYDER. That is the question.

Mr. STEVENSON. Sometimes they are not as good in one as in the other, but substantially they are complied with.

Now, Mr. Speaker, the gentleman from Illinois [Mr. MADDEN] has manifested considerable "agony" about the colored soldier. I want to know what the gentleman's State of Illinois has done for the colored soldier. A few weeks ago they had a race riot in the city of Chicago, whence the gentleman comes, and they shot down colored men from one end of the city to the other, as reported by the press, the race line being absolutely drawn between whites and blacks in the contest which it took the State troops to stop. I challenge the gentleman to charge anything like that to the people of any Southern State. A few weeks ago in this city, and by the same spirit, the same thing was done, and in the last few days in the city of Wilmington, Del., the same thing was done.

Now, I admit that occasionally, in violation of law, the people of the South take a man who is red-handed from committing an unmentionable crime and hang him to a lamp-post, but they do not begin to shoot all the colored people in the community for the reason that one individual has violated the law.

Now, I want to ask the gentleman's attention to the record of South Carolina and Chicago and Illinois, with respect to colored soldiers. At the last session of the Legislature of South Carolina, without any blare of trumpets or foaming at the mouth about the colored soldier, the State of South Carolina appropriated \$100,000 to build a memorial building to the colored soldiers who represented South Carolina on the fields of their country [applause], and provided for it to be put upon the grounds of the great educational institution that South Carolina maintains for them, and created a commission to appeal to the white people of South Carolina to subscribe voluntarily another \$100,000, to make it \$200,000; and to-day that cause is being successfully placed before the white people of South Carolina, and they are responding with their usual liberality and with their usual patriotism. Now, has the gentleman's State done anything of that kind? No. They propose to pay the colored soldier by a political, demagogical attempt to stir up race hatred in a country where we have abolished it [applause], because of our proper dealing with the race question. And, Mr. Chairman, whenever the gentleman from Illinois prevails upon his State to place the colored man of Illinois on an equality with the colored man of South Carolina in the recognition of his patriotism and of his representation upon the battle fields, then it will be time enough for him to begin to come down and assail the people of South Carolina and say, "You are discriminating against the colored man." [Applause.]

The CHAIRMAN. The time of the gentleman has expired. All time on the amendment has expired.

Mr. SUMNERS of Texas. Mr. Chairman and gentlemen, I want to appeal to my friends on both sides of the House in behalf of both the white race and the colored race living in the South to defeat this amendment. I believe my colleagues on this side of the House will acquit me of any charge of being intensely partisan. My father was a Confederate soldier, and I used to hear him and his old comrades talk about the days of long ago, and when I was a little boy I made up my mind definitely that if I ever grew up I would get me at least one Yank if I had to pot shot him. [Laughter.]

When I grew older and came in contact with the men on the other side of the line I found them to be the same sort of folks as my folks. [Applause.] Now, gentlemen, let me lay before you the situation. We are unfortunately situated in the South in that we are trying an experiment which has never before succeeded since time began. We are trying to have two races live in the same community where no white man is willing to imagine that day when his granddaughter will mingle her blood with the blood of the grandson of a black neighbor. We might just as well be honest about this. I do not know why, but when people live under a condition where there are a large number of an antagonistic race, with whose blood they are not willing to have their children mingle their blood, then there comes to men the call of the race. I am speaking to many a man who does not understand what I am talking about. Nature does not waste her energy, and unless you live in the presence of that danger you never hear the call. Why God has put that in the breast of the white folks I do not know, but it is there, and when that call comes men respond to a call that is higher than the call of the law of self-preservation, because it is the call for the preservation of the race. I have seen many a man who came to the South from a part of the country where that condition did not obtain, and after he came to the South he heard the call. When that call comes—I am going to be honest with you—it will not yield to reason. I make another statement, and make it deliberately. It has no code of honor. It is the blind, unyielding, all-sacrificing purpose of the dominant race to control the situation, and you might just as well argue to the moon as argue to a white man who is not a racial degenerate not to listen to that call. [Applause.] I mean no offense when I make that statement. I am not talking about a theory. I am talking about what I have seen men do who came from New England, and I want you to listen to me, men. We have a hard situation in the South. We are partly responsible for it, and so are the other sections. We violated that great law of life which God announced to Adam at the gate of the Garden of Eden, and you people in the North and we of the South also are violating that law when we are bringing into this country people to do our physical labor, the folks who are now trying to tear down the country, and you will have to pay a penalty also. We were not willing to do our own work; we brought an alien race to do it; we violated that law; and we of the South are paying most of the penalty. We are dealing with a hard situation.

The CHAIRMAN. The time of the gentleman has expired. Mr. SUMNERS of Texas. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. SUMNERS of Texas. Now listen to me, my countrymen. I am appealing to you as statesmen now. The South is a part of this country. We are undertaking to deal with a hard and a difficult situation. The races are compelled to commingle a great deal, but it is my deliberate judgment, and I state it not as a southern man, but as a man who has observed the situation, I make this statement deliberately and upon my responsibility as a Representative in the American Congress, that those laws which separate the two races traveling upon the common carriers of this country are of as great if not greater service to the colored man than they are to the white man. [Applause.] I make that statement deliberately. And, gentlemen, when you interfere with the attempt of the people on the ground to deal with a difficult and dangerous situation, you do no good to the people who occupy a subordinate position racially.

Mr. LAYTON. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Delaware.

Mr. LAYTON. I have no objection to a word that the gentleman has uttered. The call of the race is just as strong in me as it is in him, but I am going to put a frank question to him, one that in my judgment lies right at the heart of this whole matter. I believe that the North absolutely in its heart recognizes the conditions that prevail in the South, and the reason why the North has never attempted to exert political power in order to interfere with the government of the Anglo-Saxon race in the South is because they are in sympathy with the domination of the Anglo-Saxon race. [Applause.] But, gentlemen, this will always and eternally be a burning question in this country until you people of the South are willing to be counted only for the white race in your representation in the political affairs of this country.

Mr. RAYBURN. What was the question? The gentleman did not ask it.

Mr. SUMNERS of Texas. That is a question which I can not discuss now, because within 20 minutes this House, by its vote, is to speak those words which shall determine whether or not the people of the South who understand this situation shall be privileged to do the best they can to handle a difficult situation, or whether by national legislation you will inject an irritating situation there that will make the streets of the southern cities run red with the blood of the people you are trying to serve.

Gentlemen, do not misunderstand me. I do not mean that as a threat; I am trying to state the truth. If ever that time comes in the South, and you will find the same thing if you travel there, when this great horde of colored people, traveling to picnics, for instance, come crowding in with your wife and daughter, you will not like the situation. Bad blood will be engendered and somewhere down the line there will come a reckoning. I hope, gentlemen, you will view this matter from the standpoint of statesmen, and I believe you will. I hope when you come to render a decision you will recognize the fact which I admit, that it is a bad situation down there. I do not know where the end of it is, but I do know that unless you permit us to draw some line of separation somewhere, so that we can prevent the friction which inevitably results, you add to the difficulty of both the whites and the blacks. Gentlemen, do not mistake this: When a large number of white people and large number of black people come together in intimate relationship friction does develop. Unless you give a chance to prevent the friction which inevitably develops, then upon you and upon you alone, when you put this amendment into effect, must rest the responsibility. [Applause.]

Mr. SNYDER. Mr. Chairman, I move to strike out the two last words. Mr. Chairman and gentlemen, I quite agree with the sentiment and with the statement made by my friend from Texas [Mr. SUMNERS]. [Applause.] I am firmly of the belief that we are confronted with difficulties enough in this country already without bringing on this issue at this time. [Applause.]

Up in our country we travel occasionally on the trains in common community interests with the colored man. We do not realize in our section of the country what it means to you men in the South, in my judgment. I have traveled some in the South; I have traveled in almost every country in the world, and have sat in both common coaches and parlor coaches and steamships with almost every race in the world. I am convinced that this question is not a proper one to be raised at this time and that there is no call for it on the part of the colored citizens of this country. So far as I have been able to learn there is no demand for this on the part of the people that some gentlemen are trying to protect. I, for one, am opposed to the proposition and believe that it should be voted down. [Applause.]

Mr. MOORE of Virginia. Mr. Chairman, I move to strike out the last line. Mr. Chairman, the situation is this: In the long time since the early days we have had the race problem in the South. It has been our problem since the time when the first ship moved into Hampton Roads with the first cargo of negroes, and then later when the Declaration of Independence denounced the slave trade, and when most of the Southern States in the Constitutional Convention endeavored, but in vain, to bring about immediate abolition of slavery.

In recent years the conditions as they have developed have proved the wisdom of those who endeavored at the outset to prevent the problem from becoming more and more serious. Mr. Jefferson a little while before he died, looking back, saw the menace of what had occurred, and, looking forward, was full of apprehension, saying that the agitation of the race question was like the sound of a fire bell ringing in the night.

In these later days, without animosity to the other race and without any sacrifice of the desire to treat its members fairly, we have, of course, as the gentleman from Texas [Mr. SUMNERS] says, heeded the call which is stronger than any human law, and have never ceased, and never will cease, to recognize and preserve distinctions that are ineradicable. [Applause.]

For instance, we do not and never will tolerate miscegenation, and the Supreme Court has said that in that we are within our rights. We have adopted the policy of separation so far as railroad facilities are concerned, and, as I understand, the Supreme Court has held that if rules and regulations to that effect are reasonable and reasonably administered we are within our rights. The Interstate Commerce Commission, which enjoys so largely the confidence of the public and the Members of this House, has, as I understand, in a line of cases announced the same principle, holding that we are within our rights in providing separate facilities, provided that there is no practical discrimination.

Whenever it is charged that there is such a discrimination, the commission is open for complaint.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. HUMPHREYS. Mr. Chairman, I desire to submit a request for unanimous consent. I ask unanimous consent that all debate upon this amendment close now.

Mr. MOORE of Virginia. Just a minute further.

Mr. HUMPHREYS. I make the request that it close now.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that all debate on this amendment close now. Is there objection?

Mr. SMITH of Illinois. Mr. Chairman, I object.

Mr. LAYTON. Then, Mr. Chairman, I move that all debate close now. Oh, very well. I withdraw the motion.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. MOORE of Virginia. I desire only a moment. I hope gentlemen on the other side will not think that I have any purpose to talk politics or party. If the gentleman from Delaware [Mr. LAYTON] will pardon me for a minute, I am simply suggesting the legal aspects of this matter.

Mr. LAYTON. Mr. Chairman, will the gentleman now yield?

Mr. MOORE of Virginia. Yes.

Mr. LAYTON. Let us get rid of the legal aspects of the matter. Let us quit the business and get down to work on this bill. Let us have a vote.

Mr. MOORE of Virginia. The point I wish to emphasize is that the law is now ample for the protection of everybody in regard to this matter of separate station rooms, trains, and cars. There is no need for additional legislation, and I am glad that the distinguished chairman of this committee, who has measured up to the best legislative traditions in the manner in which he has presented his bill and conducted it through the House, has not seen proper to bring forward any proposition such as we are now discussing, and I earnestly hope that the House will do nothing to create further difficulties in the South—will not, as already suggested, add to existing troubles by creating a situation which the adoption of this amendment would bring about.

Mr. CRISP. Mr. Chairman, I move that all debate on this amendment do now close.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MADDEN].

The question was taken; and on a division (demanded by Mr. SANDERS of Louisiana) there were—ayes 12, noes 142.

So the amendment was rejected.

Mr. SIMS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. SIMS: Page 55, line 9, after the word "prescribe," insert a new section, to be known as "Sec. 405a." "That section 4 of the act to regulate commerce, approved February 4, 1887, as amended by the act approved June 18, 1910, be amended so as to read as follows:

"SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of like kind of property, for a shorter than for a longer distance over the same line or route in the same direction, the shorter being included within the longer distance, or to charge any greater compensation as a through route than the aggregate of the intermediate rates subject to the provisions of this act; but this shall not be construed as authorizing any common carrier within the terms of this act to charge or receive as great compensation for a shorter as for a longer distance; *Provided, however,* That upon application to the Interstate Commerce Commission such common carrier may in special cases not due to or arising out of conditions of water competition, actual or potential, direct or indirect, after investigation, be authorized by the commission to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section: *Provided further,* That no rates or charges lawfully existing at the time of the passage of this amendatory act shall be required to be changed by reason of the provisions of this section prior to the expiration of six months after the passage of this act, nor in any case where application shall have been filed before the commission, in accordance with the provisions of this section, until a determination of such application by the commission.

"Whenever a carrier by railroad shall in competition with a water route or routes reduce the rates on the carriage of any species of freight to or from competitive points, it shall not be permitted to increase such rates unless after hearing by the Interstate Commerce Commission it shall be found that such proposed increase rests upon changed conditions other than the elimination of water competition."

Mr. McCLINTIC. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Oklahoma for the purpose of making a parliamentary inquiry?

Mr. SIMS. Not at present.

Mr. BARKLEY. Mr. Chairman, I reserve the point of order on the amendment.

Mr. MADDEN. Mr. Chairman, I make the point of order against the amendment, that it is not germane to the section to which it is offered.

The CHAIRMAN. The gentleman from Illinois makes the point of order that the amendment is not germane to the section to which it is offered.

Mr. SIMS. It is a new section. It is not offered to that section.

Mr. MADDEN. I maintain that it is not germane to the section that it follows.

The CHAIRMAN. The Chair will hear the gentleman from Illinois on the point of order.

Mr. MADDEN. It is neither germane to the section to which it follows nor to the section which follows it.

Mr. ESCH. Mr. Chairman, the amendment, if it is to be offered at all, should be by striking out section 406, which relates to the fourth section of the interstate commerce act, namely, the long-and-short-haul clause. The gentleman from Tennessee seeks practically to amend section 4 of the commerce act. Section 406 relates to that very same section, and all it does in the bill is to renumber the paragraphs.

The CHAIRMAN. The Chair will state that this amendment would not be germane to the section which it follows.

Mr. SIMS. As the former section dealt with section 403 and the next section deals with section 405, I thought it was proper to come in here.

Mr. ESCH. I would suggest that the gentleman strike out section 406 and offer to insert what he has had read, with a provision renumbering the paragraphs.

The CHAIRMAN. The Chair would state that the amendment offered by the gentleman from Tennessee seeks to amend section 4 of the commerce act. Section 4 of the commerce act is subject to amendment by reason of the proposed amendment in section 406 of the bill, and if the amendment of the gentleman from Tennessee is proper in other respects, it would be proper to be offered when the next section of the bill is read. It is not germane to section 405, and the Chair sustains the point of order.

Mr. SIMS. That is satisfactory to me.

Mr. McCLINTIC. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. McCLINTIC: Page 55, line 9, after the word "prescribe," insert:

"*Provided further,* That the commission is hereby given authority to require a carrier to maintain his present arrangement or to make new arrangements relative to the joint use of depots, upon such terms as shall be found by the commission to be just and reasonable. No carrier shall be allowed to discontinue the use of a depot in connection with another carrier until proper application has been made to the commission."

Mr. McCLINTIC. Mr. Chairman, I have offered this amendment with the hope that it will be acceptable to the chairman and to the members of the committee.

According to the present procedure now followed, where there are two or more railroads entering a town the Railroad Administration has required these railroads to use the same depot. Unless there is some language placed in this bill to make it clear and certain as to what procedure shall be followed in the event Government control is discontinued, then these different railroads may withdraw from the present arrangements which relate to the joint use of depots. I think there is a provision in the bill under consideration which may allow the commission to require railroads to maintain joint facilities; but if an amendment of the kind I have offered is not put into the bill, many of the railroads in the country will immediately withdraw from their present arrangements and make separate accommodations for the public, which will cause great inconvenience. The object of my amendment is to cause any railroad company before it withdraws from the present use of a union depot to make application to the commission and receive a favorable report before any action can be taken. If there is any one thing this bill should do it is to give to the traveling public as many conveniences as possible.

If my amendment goes into the bill, then a railroad company can not withdraw from any term until it has made the proper application to the commission having jurisdiction.

Mr. BLACK. Will the gentleman yield for a question?

Mr. McCLINTIC. I will be glad to yield.

Mr. BLACK. Prior to the Federal control, so far as I know, the Interstate Commerce Commission never did deal with depot facilities, and that is a matter of police regulation for the State commission. As far as I am concerned, I doubt the feasibility of turning over a jurisdiction like that to the Interstate Commerce Commission.

Mr. McCLINTIC. I am glad the gentleman from Texas has raised that point, for the reason that this bill practically does away with all the jurisdiction of the State corporation commission. Inasmuch as it does that, the commission here in Washington would have jurisdiction over this subject and the State commission would not. If this bill is enacted into law in its present form, I am of the opinion that every railroad company that desires to maintain a separate depot will immediately do so. If this should happen, the people living in any community desiring to have railroads maintain joint use of a depot will necessarily be compelled to send a delegation to Washington, which will cost thousands of dollars and at the same time bring about a great deal of delay. I am hoping this bill, if enacted into law, will carry a sufficient number of provisions to safeguard and give to the traveling public the kind of conveniences they are entitled to, and for this reason I have offered this amendment with the hope it would be adopted, so that when our people travel they will not be called on to go from one section of a city or one side of a town to another in order to make necessary railroad connections.

Some Members have stated on the floor that inasmuch as this bill carried with it a provision which will extend the guaranty period for an additional six months that this is a subsidy made by the Government to the railroads for the privilege of having operated them during the war. I can not see how any person could consistently say that the railroads were entitled to this kind of a gratuity. I am opposed to this provision, and I hope that before the House concludes its deliberations on this subject that this section will be stricken out. Others have said that this bill amply takes care of the railroad employees and the railroad owners, and that no provisions are contained in the bill in the interest of the public. I am rather inclined to think that these statements are correct; in fact, upon every occasion where an amendment is offered in the direct interest of the traveling public those in charge of the legislation immediately object to the amendment, and up to the present time no amendment has been accepted which will give to the people the consideration they are entitled to receive.

I am of the opinion that this bill practically emasculates State commissions. It is true that the Government found it necessary to take charge of the railroads, because the owners during the war threw up their hands and said they could not operate them in such a way as to furnish sufficient equipment to take care of the needs of the Nation during the war. This being the case, it gave the people of the United States the opportunity to observe Government control of railroads. Many Members of Congress were in favor of Government ownership and control. However, in favoring a program of this kind they overlooked the fact that the destruction of competition would at the same time destroy efficiency, and this, according to the way I view it, is responsible for the dissatisfaction that exists throughout the country with the way the Government is at the present time operating the railroads.

This legislation, if enacted into law in its present form, will destroy the effect of many State laws. It will destroy the jurisdiction that was formerly given to State commissions. It will allow a merger of many railroad lines. In fact, it is one of the most radical bills that has ever been presented to an intelligent body relating to this subject. When the Government took over the railroads an agreement was made whereby each company was guaranteed a profit based upon the showing the road had made during certain years. It seems to me that when the Government contract has been fulfilled that the correct thing to do is to turn the railroads back in the same condition they were received, pay off the obligation, and allow them to proceed without being compelled to guarantee a dividend for a number of months yet to come. I am of the opinion that it is not the intention of the framers of this legislation to allow State commissions to exercise the same jurisdiction they had in the past, and, inasmuch as the amendments which have had this for their purpose have been defeated, I am constrained to believe it would be wise policy on the part of the House of Representatives to defeat this legislation, as, according to its terms, it not only turns the railroads back, but gives them a subsidy and guarantees their earning power for a specified term in the future.

I am in favor of turning the railroads back to the owners at the earliest moment possible; however, I am not in favor of this legislation unless it can be amended so as to give the people certain rights and the State commissions certain jurisdiction over certain questions.

Mr. ESCH. Mr. Chairman, the matter which the gentleman from Oklahoma seeks to reach by his amendment lies almost wholly within the police power of the several States. There have been amendments offered to this bill seeking to preserve such police powers. The committee in framing the bill has

sought not to encroach upon such powers. The matters of depots and joint use of depots is practically in the jurisdiction of the State commissions, and all but one of the States have such commissions. In such small matters the detail should be left within the jurisdiction of the State authorities, who know the situation, know the conditions, and know how best to meet the needs. There is, however, a provision in this bill providing for the joint use of terminals.

Mr. McCLINTIC. Will the gentleman yield?

Mr. ESCH. But that power will be exercised, I have no doubt, mainly in connection with the terminals in the large cities and in the congested centers. Due to the prohibitive cost of land, it is necessary to get a greater use out of existing terminals by giving to some regulatory authority, like the Interstate Commerce Commission, the right to order the joint use of such terminals, but that that power should be exercised as to depots in small communities is not contemplated. That power should be left, as we leave it, to the regulatory bodies of the several States. I now yield to the gentleman from Oklahoma.

Mr. McCLINTIC. Does the gentleman think that the State commissions will have a sufficient amount of jurisdiction to handle a question of this kind?

Mr. ESCH. Most certainly. They do under the powers granted in my State, and I think it is true in many States. I do not know the situation in Oklahoma.

Mr. McCLINTIC. The gentleman does not feel that this bill takes away any of their jurisdiction?

Mr. ESCH. No.

Mr. McCLINTIC. Mr. Chairman, upon the statement of the chairman of the committee I will be glad to withdraw the amendment.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to withdraw his amendment. Is there objection?

Mr. LINTHICUM. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Maryland objects.

Mr. LINTHICUM. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen, I objected to the withdrawal of the amendment because I think it is a matter of great importance to the cities along the Atlantic seaboard and the cities in the Middle West. I have in mind especially the situation between the Baltimore & Ohio Railroad and the Pennsylvania Railroad entering the city of New York. We all know there has been many millions of dollars expended at the terminal in New York by the Pennsylvania Railroad Co. and that the expense of upkeep and the necessary overhead charges must be borne by the people traveling on the Pennsylvania Railroad unless other roads are admitted to this terminal.

Mr. BARKLEY. Will the gentleman yield?

Mr. LINTHICUM. Not at present. Since the Federal control the Baltimore & Ohio Railroad has been allowed to enter that terminal and to pay its proportion of upkeep and overhead charges and such additional expense as specified. It has been of the greatest convenience to the people along the line, all south of New York and far into the West. Instead of landing on the Jersey City side, they are now able to enter this great terminal in New York City. It is a matter of importance that the Baltimore & Ohio or any other railroad at this time should be able to use the terminal of the Pennsylvania Railroad in the city of New York, because it would be practically impossible now, from a financial standpoint, to get the land and to build the necessary tunnel under the river. If we maintain the present situation as established by the director of railroads allowing the other roads to enter that great terminal in the center of New York City, it will mean a great convenience to the traveling public, who in the final analysis are the ones who must maintain by their fares the heavy expense of the vast terminal properties of the railroad systems.

I do not think we should take any chance of this right being withdrawn. It would injure the convenience of the people along this whole section, who now have two roads by which they can enter the center of New York, whereas, if that right is withdrawn, there will be but one road. It doubles the convenience as it is now. It lessens the great expense to the Pennsylvania Railroad, and it is of inestimable benefit to all travelers, in that it gives them double facilities to enter the great metropolis of this country and obviates the inconvenience of the ferry. I therefore object, and I think the amendment ought to be adopted. We ought to safeguard the situation, if we can do it, at this time. This is not the time to take any chances with a situation which means so much to the people.

Mr. BARKLEY. The gentleman overlooks the fact that the present bill takes care of the situation by authorizing the joint use of terminals.

Mr. LINTHICUM. I recognize the fact that the bill makes it optional for the Interstate Commerce Commission to do it, but the amendment of the gentleman from Oklahoma [Mr. McCLENTIC] provides that hearings may be had, and that the people interested may come before the Interstate Commerce Commission as to whether any public advantage is gained or lost by a change. It gives the citizens a chance to present their side of the question.

With the vast sum of money which has been expended by the Pennsylvania Railroad Co. in tunneling the river and erecting its magnificent station in the city of New York, all of which expense and maintenance naturally comes from the pockets of the people, it seems strange indeed that some action has not been demanded by the general public long before this by which other roads might enter this important terminal. It has proved itself of inestimable advantage to persons desiring to enter New York upon the Baltimore & Ohio Railroad. It has given twice the facility to the traveling public, and I do not believe it has injured the Pennsylvania Railroad revenue to any appreciable extent. Certainly, if we can judge by the traffic of that road, it has about all the business it can well attend to. The citizens of this country have come to realize that no matter through what system a railroad is built or a great terminal constructed, the final payment and continual expense rests upon the shoulders of those who travel and of all the other people by virtue of freight rates for the necessities of life and the comforts, convenience, and success of the entire citizenship of the land.

Vast sums of money have been expended in this country not alone in duplicating terminal facilities, depots, and stations in various towns and cities of the land but in constructing parallel lines between certain points. I am glad this matter of construction of new lines has been left largely to the Interstate Commerce Commission. It has often occurred that the construction of an additional line which was unnecessary has rather injured the public than benefited it, because it results often in two weak and inefficient lines rather than one strong line. It places the burden upon the public to maintain two lines, with all the duplication of officials, employees, stations, and other adjuncts and necessities of a railroad system, instead of one.

Federal control became a necessity owing to the war. It has, like all war-time activities, resulted in a great burden to the people, but many things have grown out of the situation and out of this control from which lessons for the future can be learned and the defects of the old system be remedied. The railroad systems of the country constitute the very lifeblood of the Nation; they are the trade arteries of the land; and the greater ease and facility by which they are operated, the satisfaction and prosperity of their employees, and their financial soundness means prosperity to the entire country.

It is vital to the public that this situation obtain; that we once more enter upon the peaceful situation under which these roads were formerly managed, and at the same time eliminate those features of the old system which were detrimental not alone to the roads themselves but to the general public as well. The taking over of the roads enabled the Government to perform a great work in the winning of the war; the railroads and their management were vital to success. In this, however, the railroads have not fared well, and their stockholders—not all great financiers, but often widows, orphans, the aged, and people of moderate means—are interested in this important legislation.

It is highly essential, therefore, that the Government, dealing with these great properties owned by private individuals and corporations, should be just in turning them back, and should have a care that they again may be operated successfully in the interests of the people and of the owners of the railroads.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CANDLER. Mr. Chairman, I think the provision in the bill in reference to terminals, to which attention has been called by the gentleman from Kentucky [Mr. BARKLEY], will cover the situation to which attention has been called by the gentleman from Maryland [Mr. LINTHICUM], and hence there will be no necessity for this amendment so far as that proposition is concerned. I think the principal criticism with reference to matters of this kind in this bill is that it encroaches too much upon the jurisdiction of the State commissions of the several States. I am in favor of returning these railroads to the owners. I am opposed to Government ownership. I favor reasonable Government regulation. Other criticism of the bill, it seems to me, is

that while it proposes to return the railroads to the owners, nevertheless it retains in the Government such a full and complete control as almost amounts to Government ownership. While under the bill it is proposed to return the railroads to the owners, it provides that the Government shall almost completely control their operation, as well as provide their finances. When the railroads are returned to the owners, the owners should be permitted to run them, subject only to State and Federal control to the extent that is necessary to protect the rights of the public and secure the people good service at reasonable rates, and then the railroads, having the right to run and manage their own business, should finance it and pay their own expenses. I want the States to exercise at least some of their rights in reference to these matters, and I want the State railroad commissions to have the jurisdiction which they exercised and the powers they possessed prior to the time when these railroads went under Government control. I want them placed where they were at that time as to commerce within the States, of course, with such control and regulation as to interstate commerce by the Government as will secure the service interstate to which the people are entitled. I want the powers of the State commissions and the powers of the Interstate Commerce Commission exercised together, neither encroaching on the rights or powers of the other, so as to give to the people the best possible service. I do not believe that all of the details should be placed in the hands or under the control of the great Interstate Commerce Commission at Washington, more than a thousand miles, and sometimes 3,000 miles, away from the people who are interested in the local conditions, but that those conditions should be left to the localities in which they exist, to be controlled by the State commissions, so that the people will have a place to which they may go within the confines of their own States and secure relief without coming the great distance which would be required, and going to the expense which would be necessary, to present their cases to the Interstate Commerce Commission in the city of Washington. The best government is the nearest government to the people themselves and that government which gives the people the opportunity, without unnecessary expense and hardship, to secure the relief to which they are entitled. And therefore I am in favor of bringing the supervision as close as possible to the local conditions, in conjunction with the great governmental powers which should be exercised by the Federal Government, in order that all rights may be preserved. [Applause.]

I remember a few years ago I had some small matters for constituents in my district which they were unable to attend to because they were not of sufficient importance to justify them to go to the expense of coming to the city of Washington in order to present them to the Interstate Commerce Commission. They sent them to me and I presented them to the commission for them, and I know that it was months before I could get any adjustment of the situation or could get them the relief to which they were entitled and which I finally secured for them. But it took nearly or about a year in order to accomplish what they desired. If it had been left at home, under the jurisdiction of the State commission, it could have been secured possibly within a month. We have a very efficient commission in Mississippi. In my own city of Corinth, Miss., resides one of the members of the Railroad Commission of the State of Mississippi, a very efficient and most faithful and energetic commissioner, Hon. W. B. Wilson, who on account of his faithful service was only recently reelected to a third term of four years. When anything requiring attention is brought to his knowledge he goes himself anywhere in his district, or in the State for that matter, whenever it is necessary for him to do so, and gives his personal attention to local conditions, and sees with his own eyes and finds out by his own investigation what is necessary, and then brings it to the attention of the State commission when it meets in the city of Jackson and secures the relief to which the people are entitled if possible to do so. That is the way to attend to business and serve the people and secure the best results. A member of a State commission or the commission itself can do that. The Interstate Commerce Commission can not and, if it could, would not do that kind of service. Therefore, my friends, we should be very cautious in vesting all these powers in this great interstate commission at Washington, because of the difficulties that arise in bringing matters before them, the expense incident thereto, and the long delay which generally occurs before action can be secured. I believe in the Interstate Commerce Commission governing interstate matters, but I do not want to give them all the power. I want some of it reserved to the States. [Applause.] There are other features of this bill which I fear go too far and are more favorable to the railroad companies than to the people. I want to be and intend to be absolutely fair and just to the railroads,

but I want also, above everything else, to be fair and just to the people I represent, and who have trusted me so long to look after their welfare and to protect their interests in this great House of Representatives. For instance, I do not like the provision in this bill making a guaranty to the railroad companies of their revenues for the first six months of private ownership. Why should the Government guarantee the private business of railroads any more than the private business of other citizens of the Republic engaged in laudable and legitimate enterprises? [Applause.] In 1914 when our people were in great distress in the South by reason of business conditions brought on by the World War my constituents appealed to me and I earnestly appealed to the Government, but no guaranty, loan, or relief of any kind could be secured. We bowed submissively, bore our burdens and losses bravely, rallied patriotically to every call of our country, and pressed on in the faithful discharge of every duty devolving upon us as American citizens. We do not murmur now. Treat the railroads fair and just but not better than the treatment accorded other citizens. Be just, fair, and equitable to the railroads, but at the same time do not forget the people. Be just, fair, and equitable likewise to them. [Applause.] There are many other provisions of this bill I would like to discuss, but my limited time forbids. I voted for the Denison amendment requiring a settlement and adjustment of the accounts between the railroads and the Government, involving millions of dollars. I am glad it was adopted and is now in the bill. I wish the bill could be amended in quite a number of its other provisions. If it was it would be made more in the interest of the people, and therefore a much better bill for all the purposes for which its legislation is intended. I hope its provisions, before the vote on its final passage is taken, may be such as to convince me that it will contribute to the prosperity of this Republic and not injure the best interests or welfare of our people. If such are its provisions, I will cheerfully vote for the bill; otherwise I can not. [Applause.]

Mr. EVANS of Nevada. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman and gentlemen, this Congress desires the rails restored to their real owners, great numbers of whom are small stockholders, who look hopefully to you. It becomes your plain duty to rescue those grand public utilities from the hands which by selfish action have brought them to the very brink of bankruptcy. Evidence accumulates proving that previous controllers of railroads sought to disgust the public with Government operation.

It is plain why governmental operation failed. Failure was desired, planned, and executed. The success or failure of any and all sound business ventures depends upon the men intrusted with their operation; but no business was ever known to succeed when men in charge planned failure. To criticize without a remedy is carping, but where a remedy is offered it becomes constructive criticism. Governmental operation of railroads failed because plans prompted by jealousy and self-interest succeeded. Governmental operation is entitled to a square deal and a fair trial. The remedy is as plain as the disorder.

American Expeditionary Forces abroad possessed the keenest, most completely disciplined brain power in all the world. Those men in the prime of youth offered their lives to this Government. They are more highly and better qualified to successfully operate the railroads than any other men. Their Americanism stood the test while old operators failed the trust.

The following method of selection should meet their approval: That the governor of each State appoint five enlisted men from his State, from which number will be selected a president, auditor, secretary, 7 directors, and 230 traveling inspectors, affording them full power, authority, and credit with which to maintain and operate the railroads until those railroads are upon a sound financial basis and out of debt to this Government, always subject to the will and direction of Congress.

You must not loan Government money nor Government credit nor come to the aid of any man or men who gave divided or selfish support during our war.

You must not charge off to profit and loss billions of dollars when we have the men with capacity to restore the railroads to their proper place with their actual owners. This Nation made success of every undertaking; the railroads can be made our greatest economic industrial achievement.

The roads were rendered weak with numerous drains, and when the strain came were abandoned by men who saw no quick returns. Do not desert your outfit in the middle of a mudhole; bring it to a safe place.

One year ago our American Expeditionary Forces were finishing a job ten times bigger than the railroad problem. The keen

brains of those young men quickly found a way to smash 40 years of intense military preparation. Now, your discredited system of railroad operation must be replaced by new and modern methods, furnished by energetic and efficient young men. Why not invite them to restore those grand properties, which are clearly public utilities, to where they rightfully belong, with the people? This bill proposes to be responsible for the roads for six months. To the very class who permitted this condition needlessly to occur, the Government is to guarantee against loss from their inefficient and dishonest conduct. We must proceed to operate those railroads belonging to all our people, with cooperation from everyone, for the general good of all our Nation. American Expeditionary Forces will prove that peace hath her victories no less renowned than war.

Let every man stand by our Government aiding success in restoring the rails to their real owners free from debt. The ignorance in partisanship goes to extremes, but always with loyalty to the Government. But the ignorance of selfishness has no party except personal greed.

Business is conducted upon 10 per cent cash and 90 per cent confidence. We have the credit, brains, inventive genius, and industry. All we need now for those who point with pride to governmental temporary failure is to be American enough to say, Stand by your Nation in this hour of need. Maintain credit and confidence by returning the rails free from the stain of debt. Our promise to pay is guaranteed by every foot of ground, by every ship that floats the Stars and Stripes, by every home with a rosebush in the yard, and hearts that beat true for America. This committee has worked diligently and faithfully. In my judgment they were working upon a worn-out and out-of-date foundation, but whatever the Whole Committee determines will have my support for final success.

Mr. ESCH. Mr. Chairman, I move that all debate on this amendment close in five minutes.

The CHAIRMAN. The gentleman from Wisconsin moves that all debate on the pending amendment close in five minutes.

The motion was agreed to.

The CHAIRMAN. The gentleman from Ohio [Mr. EMERSON] is recognized.

Mr. EMERSON. Mr. Chairman and gentlemen of the committee, the President having stated that he was going to return the railroads to their owners by the first of the coming year means that Congress has nothing to do but see that the roads are returned to the owners in such condition that the owners will have suffered no loss by reason of Government control.

It is perfectly apparent that Government control has been expensive, inefficient, and unsatisfactory. Congress took these roads over under the war powers, and they should return them with as little entanglement as possible.

There is a great surprise in store for the public when they find that after the return of the roads to the owners the high rates established will be continued and an increase in rates invited by this bill.

This is the most important bill that has been presented to Congress at this session. It should have been reported at this session and then made the special order for the first day of the December session.

I submit that it has been unfair to the membership of this House and very unfair to the people of this country to have this bill presented late Saturday night and brought up for consideration the following Tuesday. A copy of this bill mailed to the far West will not reach its destination until this bill passes this House. Too much speed and not enough conservatism. We are framing legislation for the railroads of this country for half a century to come and we should take this bill up and give it much thought and consideration, and not attempt to pass it within two weeks of the next session of Congress. The country has had no opportunity to study this bill and find out what is in it, and such an opportunity should be given by putting this bill over until next session.

This bill is incongruous, uncertain, doubtful of construction, unfair to owners and to the employees and to the public.

I agree with my colleague, Mr. MOONEY, that the certificate of necessity clause in this bill should be stricken out. It is unjustifiable, and prevents competition and discourages initiative. This bill does not get rid of Government ownership, as we guarantee the earnings for a certain period of time, but do not guarantee the wages of the employees during that period. It should be amended in many ways and unless so amended I am inclined to vote against the bill in its present form.

As a member of the Committee on Rivers and Harbors I am much concerned with the question of encouraging navigation upon our lakes and rivers. This bill discourages navigation and places the navigation on the lakes and rivers of this

country under the control of the railroads. It discourages boat lines competing with railroad lines and should be radically amended along these lines.

This bill would destroy the competitive rates enjoyed in my part of the country by reason of steamboat lines competing with railroad lines. This bill is unsatisfactory to the membership of this House, and even the members of the committee who reported this bill seem to disagree, for I observe that many of the amendments come from the members of the committee. Too much power is vested in the Interstate Commerce Commission in this bill. The committee tried to settle all the ills of transportation in this bill and such a thing is impossible in a bill returning the roads to the owners. The operation of the roads by the Government was a failure, and the less legislating we do in this bill, and the sooner we return the roads and pay the bill the better it will be for the country.

Unless this bill is radically amended and certain sections stricken out I will vote to recommit the bill to the committee, and will make such a motion if I have an opportunity.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield for a question?

Mr. EMERSON. Yes.

Mr. KNUTSON. The gentleman says that the bill has been changed in several details. Will the gentleman tell the House just what changes have been made?

Mr. EMERSON. I made several suggestions of changes that I thought should be made, and if I had time I would go more in detail. Evidently the gentleman has not been here, listening, when I made the suggestions as to what changes should be made. [Laughter.] I believe this bill, if enacted into law, will discourage transportation upon the lakes and rivers of this country. It will destroy initiative. It will finally result in the railroads owning and controlling the water transportation. And coming, as I do, from the city of Cleveland, I am vitally interested in that proposition. I believe this bill should be recommitted. I think it should have been reported and given standing at the beginning of next session and made the first order of business. I believe it should be taken up on the 1st day of December when we convene in regular session. The Senate is now considering the peace treaty, and will not take this matter up at this session. We should give the people of the country an opportunity to study the question. The membership of the House—

Mr. WINSLOW. Mr. Chairman, will the gentleman yield?

Mr. EMERSON. I really have not the time.

The CHAIRMAN. The gentleman declines to yield.

Mr. EMERSON. The members of the committee themselves seem to so disagree, as most of the amendments that have been suggested to the bill have been offered by members of the committee. Therefore I feel at this time that the bill should be recommitted to the committee with the instructions I have suggested.

The CHAIRMAN. The time of the gentleman from Ohio has expired. All time on the amendment has expired.

Mr. SIMS. Mr. Chairman, I move to strike out the last five words.

The CHAIRMAN. All time has been limited by vote of the committee.

Mr. EMERSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma [Mr. McClintic].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 406. Section 4 of the commerce act is hereby amended by inserting "(1)" after the section number at the beginning of the first paragraph and "(2)" at the beginning of the second paragraph.

Mr. SIMS. Mr. Chairman, I move to strike out section 406, and substitute therefor the amendment which I sent to the Clerk's desk a few moments ago.

Mr. ESCH. Is that the same one that has been read?

Mr. SIMS. The same one.

Mr. ESCH. Can we not make an arrangement as to the time of debate?

Mr. SIMS. Let the amendment first be reported.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

Mr. SIMS moves to amend, page 55, by striking out all of section 406 and inserting in lieu thereof the following—

Mr. SNYDER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. It is not in order during the reading of the amendment.

Mr. SNYDER. If the amendment has been read once, what is the use in reading it again?

The CHAIRMAN. The Clerk will proceed with the reading of the amendment.

Mr. SNYDER. I make the point of order that the amendment has already been read and it is not necessary to read it over again.

The CHAIRMAN. The point of order is overruled. The amendment was read and now is withdrawn. Now, it has been submitted again.

Mr. SNYDER. I ask unanimous consent, Mr. Chairman, that we proceed without reading the amendment again; that it be considered as read.

Mr. WINSLOW. I object.

The CHAIRMAN. Objection is made. The Clerk will report the amendment.

The Clerk read as follows:

Mr. SIMS moves to amend, page 55, by striking out all of section 406 and inserting in lieu thereof the following:

"That section 4 of the act to regulate commerce, approved February 4, 1887, as amended by the act approved June 18, 1910, be amended so as to read as follows:

"SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of like kind of property, for a shorter than for a longer distance over the same line or route in the same direction, the shorter being included within the longer distance, or to charge any greater compensation as a through route than the aggregate of the intermediate rates subject to the provisions of this act; but this shall not be construed as authorizing any common carrier within the terms of this act to charge or receive as great compensation for a shorter as for a longer distance: *Provided, however*, That upon application to the Interstate Commerce Commission such common carrier may in special cases not due to or arising out of conditions of water competition, actual or potential, direct or indirect, after investigation, be authorized by the commission to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section: *Provided further*, That no rates or charges lawfully existing at the time of the passage of this amendatory act shall be required to be changed by reason of the provisions of this section prior to the expiration of six months after the passage of this act, nor in any case where application shall have been filed before the commission, in accordance with the provisions of this section, until a determination of such application by the commission.

"Whenever a carrier by railroad shall in competition with a water route or routes reduce the rates on the carriage of any species of freight to or from competitive points, it shall not be permitted to increase such rates unless after hearing by the Interstate Commerce Commission it shall be found that such proposed increase rests upon changed conditions other than the elimination of water competition."

Mr. ESCH. Mr. Chairman, I ask that the debate on this proposed amendment to section 406 be limited to 30 minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the debate on section 406 be limited to 30 minutes. Is there objection?

Mr. FRENCH. I reserve the right to object, Mr. Chairman.

Mr. HAYDEN. Mr. Chairman, I have a substitute for the amendment offered by the gentleman from Tennessee [Mr. SIMS], which I would like to offer and debate. Will that be permitted in that time? It is rather an important question, and I think we ought to have more time.

Mr. FRENCH. Reserving the right to object, Mr. Chairman, this amendment is one of the most important that has been presented in connection with that bill. I myself would like to have as much time as the gentleman has suggested for the entire discussion. I have spared the House from discussing many features of the bill, and I think we ought to have two or three hours' debate on this section.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin [Mr. Esch]?

Mr. FRENCH. I object, unless we can have some understanding.

Mr. ESCH. I move that the debate on this section be closed—

The CHAIRMAN. A motion to close debate will not now be in order. The gentleman from Tennessee [Mr. SIMS] is recognized for five minutes.

Mr. SIMS. Mr. Chairman, I will ask the indulgence of the House on account of the condition of my voice.

The CHAIRMAN. The Chair would admonish the committee that in view of the fact that the gentleman from Tennessee has a sore throat it will be necessary for the Members to maintain order so that they may hear the discussion that he intends to indulge in on this measure. The committee will please be in order. The gentleman from Tennessee is recognized.

Mr. SIMS. Mr. Chairman and gentlemen of the committee, for years and years before the act of 1910 was enacted there had been much complaint about the construction and application of the law as it then existed. As it existed a lesser charge for a longer haul than a shorter haul over the same road in the same

direction had been permitted when certain conditions existed, but the exception got to be the rule.

The fourth section as it now appears in the commerce act forbade any carrier to charge more for a longer haul than for a shorter haul over the same railroad going in the same direction. That was and is the general provisions of the law, and the plain intent of Congress and all the rest is exceptional and conditional. Exceptions should not be construed liberally, but the general law should be so construed in order to effect the purpose intended.

There is no doubt that the purpose was to prevent railroads from absolutely destroying interior points on their lines by giving a discriminating lower rate to a more distant point on the same road where competition existed either by rail or water or by both. Such a practice by the railroads had forced manufacturers and business men who wanted to get the best rates to forsake the noncompeting interior points and go to a point where there was as much railroad competition as possible and as much water competition as possible, in order to get such rates as such competition brought about.

Now the proviso reads:

That upon application to the Interstate Commerce Commission such common carrier may in special cases not due to or arising out of conditions of water competition, actual or potential, direct or indirect, after investigation, be authorized by the commission to charge less for longer than for shorter distances for the transportation of passengers or property.

Now, the case must be a special one. But there is no limitation whatever, no prescription in the act, as to what constitutes a special case. There is nothing in the act that limits the discretion of the commission or acts as a guidance in determining what is or is not a special case and is so treated. The result has been that now the exception is getting to be the general rule, as it was before the act of 1910, and every city having water transportation wants it not for actual transportation but to use as a club to reduce rail rates to a competitive water transportation level, and the commission has in a number of cases permitted such low rates upon the request of the railroads as to prevent the development of water transportation where it did not exist, and to render it unprofitable and destructive where it did exist. Prior to Government control of railroads there was not even a through boat from Memphis to New Orleans on the Mississippi River. The great Mississippi River, in the best part of it, where millions have been spent and many millions hereafter ought to be spent in its improvement, was without a through steamboat service between two of the largest cities on that part of the river. There are two railroads from Memphis to New Orleans, one on each side of the river, and they had made rates so low that nobody would put a dollar into a through boat to compete with them.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. SIMS. I should like to have five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that he may proceed for five minutes. Is there objection?

Mr. ESCH. I move that debate upon section 406 and all amendments thereto be closed in one hour, and pending that motion I ask unanimous consent that the gentleman from Tennessee [Mr. SIMS] control one-half that time and the gentleman from Michigan [Mr. HAMILTON] the other half.

The CHAIRMAN. The gentleman from Wisconsin moves that all debate on section 406 and amendments thereto be closed in one hour.

Mr. FRENCH. I move an amendment to that, to fix the time at two hours.

The CHAIRMAN. The gentleman from Idaho moves to amend by making it two hours. The question is on the amendment.

The question being taken, the amendment was rejected.

The CHAIRMAN. The question is on the motion of the gentleman from Wisconsin [Mr. Esch], that debate on section 406 and amendments thereto close in one hour.

The motion was agreed to.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that one-half the time be controlled by the gentleman from Tennessee [Mr. SIMS] and one-half by the gentleman from Michigan [Mr. HAMILTON]. Is there objection?

Mr. FRENCH. Mr. Chairman, reserving the right to object, I would like to have some time to discuss this proposition.

Mr. SIMS. The gentleman shall have it if I control it.

Mr. FRENCH. I should like to have as much time as has been given for the debate, but I can not get that. I would like to have 15 minutes. This question is more vital to my people than anything else in this bill. I have not taken any time on

the general debate. I was not a member of the committee and could not get any. Other Members have had plenty of time to discuss various features of the bill, but I have had no time at all. I should like to have at least 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. FRENCH. Reserving the right to object—

SEVERAL MEMBERS. Regular order!

The CHAIRMAN. The regular order is demanded.

Mr. SMALL. Reserving the right to object—

The CHAIRMAN. The regular order has been demanded. The question is, Is there objection?

Mr. SMALL. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from North Carolina objects. The gentleman from Tennessee is recognized for five additional minutes, and the committee will be in order.

Mr. HUMPHREYS. I should like to ask the gentleman just one question for information.

The CHAIRMAN. Does the gentleman yield?

Mr. SIMS. Yes.

Mr. HUMPHREYS. In line 9, on the first page of the gentleman's amendment, I see the words—

Transportation of passengers or of like kind of property.

Mr. SIMS. That is in the general law. That is not my amendment. I have only copied the general law in those words.

Mr. HUMPHREYS. What kind of property does it mean?

Mr. SIMS. That is in the general law and I do not want to discuss that. I have only amended this section by adding to it a provision eliminating water competition as constituting any excuse or grounds for treating a case as special. All the rest of it is existing law.

Mr. JONES of Texas. Does not the gentleman by his proviso practically kill the effect of the amendment?

Mr. SIMS. I simply add qualifying words to the proviso. The proviso is in the general law now.

Mr. HAMILTON. Before the gentleman proceeds, may I ask the Chair what the arrangement was in relation to the division of time?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Michigan?

Mr. SIMS. I will yield if it is not taken out of my time.

The CHAIRMAN. Necessarily it will have to be taken out of the gentleman's time.

Mr. HAMILTON. Then I will have to retire. [Laughter.]

Mr. SIMS. Now, Mr. Chairman, natural conditions which inherently give to a section or locality water competition should and does give that locality the benefit of water competition. Where there is a water route serving the same locality that is served by a rail route, those who are at that point have the choice, and if the water transportation is satisfactory and cheaper than the rail transportation then let them use the water transportation. Do not permit a railroad company or authorize any commission on earth to permit a railroad company to destroy the value of Government appropriations expended to build the Panama Canal, to clean out the Mississippi River, to build millions of dollars' worth of water-transportation construction, to build boats, to deepen rivers and harbors, in order simply that the people having the benefit of water service shall by reason of having it get a rate upon the railroads that actually prevents the use of the water-transportation facilities that the people paid for from taxes out of their own pockets. There is no use in further improving rivers and lakes and harbors; there is no use in further building Government canals if privately owned corporations operated for profit are permitted to reduce their rates fixed by law as just and reasonable to a point so low as to make it more desirable to use the rail facilities than the river, lake, or ocean. Four hundred and twenty-five million dollars, taxes of the people, have been paid out to build the Panama Canal in order that shipping should not have to sail around South America to serve the west and east coasts of the United States, and we put an almost ridiculously low charge for using the canal, not sufficient so far to pay the operating expenses and maintenance of the canal.

And then the transcontinental railroads have been permitted to reduce their rates to such an extent that it diverts millions of dollars' worth of transportation from that canal, and turns it over to the transcontinental railroads, while the poor taxpayer is bled not only to construct the canal but to continue to maintain it, while the profiteering, profit-seeking, privately-owned railroads come in and, with the intent and in order to destroy competition by way of the canal, divert the traffic from the canal that would inure to the benefit of the Government by collection of tolls, and are permitted to make rates that take

the traffic away from the canal and render it useless and worthless to that extent.

By such a permission on the part of the commission they have empowered the railroads to rob the taxpayers who have built and who must maintain the canal of the tolls they are justly entitled to receive and which was promised to them when the law was passed authorizing the construction of the canal at public expense. This is a beautiful object lesson as to what has been permitted and practiced, and will be permitted under private ownership and operation with public regulation. This kind of private ownership and public regulation is in effect taking from those who have not and giving to those who have. Those who are located where water transportation is available can use it, which gives them the benefit to the fullest extent of their natural advantages. How is it possible that any regulating body can justify its action in permitting an artificial carrier to destroy the natural advantages of a locality or render such advantages unprofitable by permitting the artificial carrier to reduce its rates so low as to be merely sufficient to cover out-of-pocket cost of such service?

Mr. SNYDER. Will the gentleman yield?

Mr. SIMS. I have not time. I do not know which way the gentleman leans.

Mr. SNYDER. It does not make any difference which way I lean. You are taking the position that the privately owned railroads will be the only people benefited by the reduction in railroad rates. Will not the shipper and the public be benefited?

Mr. SIMS. No; the people are not benefited by reducing the railroad rates who have water transportation and use it. By this nefarious practice you force every interior point to pay more than it ought to pay because the income of the railroads should be based on reasonable rates and reasonable rates apply to the little places as well as to the big ones, and if the rates to interior points are not more than reasonable then the less rates to the larger and more distant points will be unreasonably low. It is robbery, it is morally unjust, to do what they are doing and have been doing for years by permission of the regulating body.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent that he have five minutes more.

The CHAIRMAN. The time has been fixed and limited.

Mr. SIMS. But the gentleman from Washington asks unanimous consent that I shall have five minutes more of that time that was so limited.

The CHAIRMAN. Does the gentleman from Washington ask that the gentleman shall have five minutes more?

Mr. JOHNSON of Washington. I do.

The CHAIRMAN. The gentleman from Washington asks unanimous consent that the time of the gentleman from Tennessee be extended five minutes. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. How does the gentleman think that a railroad doing a great interstate commerce business can do any business if it has to pick up freight from every little interior point and carry it to another interior point at the same rate based on the aggregate for all the towns that fail to be on the water?

Mr. SIMS. They do not have to pick it up. We do not ask them to reduce rates to the interior points. All we ask is the same rate that they give to the terminal or more distant point when they make a longer haul for the same rate. For instance, here is a town 500 miles this side of San Francisco. We do not ask them to give a rate less because of the shorter haul, but we do ask them not to charge more than they do for the more distant point of San Francisco.

Mr. JOHNSON of Washington. In other words, the town wants to take itself up and put itself on the water.

Mr. SIMS. Every manufacturing industry that depends on transportation is compelled to desert the interior towns and go to the water terminal.

Now, gentlemen, these railroads came here and asked for increased rates and show that it requires a certain amount on all the business that they do in order to make their rates pay their operating expenses and a fair return on their property. The Interstate Commerce Commission provides that the rates shall be what they ask for, but no more. Afterwards the same railroads, for the purpose of securing a substantial part of their business fix rates that give no profit at all, and the commission says that it is all right if they do not raise the rates on the interior points.

I am only asking that the commission shall not regard water competition as furnishing any excuse for reducing rail rates at and for such water competing points below what is charged interior points having no water competition.

And yet these same railroads come and ask us to provide by statute rates that will pay interest on capital, all expenses of operation, taxes and maintenance, and a fair return on the investment, that only makes a profit on a part of the service that they render. Gentlemen, it should not be done. It is the grossest favoritism, because, while it builds up artificially and unjustly some points, at the same time it destroys and prevents the growth of interior points that have to pay all the profit on the investment in the railroad company, while the favored point gets its service at the mere out-of-pocket cost to the carrier.

I have had letters from river-competing points in my State opposing this amendment of mine. I am not asking the amendment to apply to railroads as between themselves. I am only asking to take away the power of the commission to say to a railroad that they shall be allowed to reduce the rate to the further point over and above intermediate points, when the further point does not have to have it and will not be hurt by not having it. Anything else is eternally and outrageously wrong, and it can not and ought not to survive, and there will never be peace in transportation in this country as long as we allow the railroad companies to go before the commission and by it be permitted to reduce rates to points that have water service in order to prevent its use by those to whom it is available without at the same time being compelled to reduce rates on interior points to the same level.

Take a carload of oranges shipped from Los Angeles to Denver at \$1.15 a hundred. This rate is fixed as just and reasonable and as affording not more than a fair return for the service rendered. But if the carload of oranges is shipped from Los Angeles through Denver to Boston or New York, it goes at the same rate, no more and no less, although the haul is about three times as long. If the rate to Denver is fair, just, and reasonable, how can the same rate to Boston—three times as far—be a fair, just, and reasonable rate? But if the rate to Boston is just and reasonable, the rate to Denver is nothing less than robbery permitted by a regulating body. The whole country is honey-combed with just such instances as I have cited, but my time will not permit me to point them out.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. FRENCH. Mr. Chairman, the time at my disposal is hardly enough to make a beginning on this proposition. I am for the Sims amendment, providing the Hayden amendment, which is to be presented, shall not be adopted. The Hayden amendment is the Poindexter bill. Its provisions have been incorporated in the measure reported by the Senate committee to the Senate. First of all I am for the Hayden amendment. Now what is the proposition? In a word we are trying to prevent the charging of greater freight rates for a shorter distance than for a longer when the freight is moving in the same direction and over the same line and when the shorter distance is included within the longer.

Gentlemen, this is not a new story. It is a story that goes back many years, but it is working an enormous hardship upon a section of country that has a right to expect better consideration from the Government.

Long ago the fight was begun against the discrimination in rate charges against the intermountain country in favor of the people living on the Pacific coast. The first law that was passed by Congress that seemed to afford the promise of relief was passed in 1887, but benefits of this law continued only a year or so and under provisions that seemed to justify exceptions discriminations were shortly begun and have continued practically ever since.

In 1910, when further legislation was obtained on this subject, we thought that we had obtained something of relief. Section 4 of the interstate-commerce act has to do with the long and short haul. It provides that a common carrier may not charge in interstate commerce more for hauling goods a shorter distance than it may charge for hauling it the longer distance, the charges being for service in hauling cars going the same direction and the shorter distance being part of the longer. There was a provision, however, in this law giving to the Interstate Commerce Commission the power to make exceptions when it seemed that by reason of water competition an injustice would be imposed upon the common carrier. It was not supposed, however, that the exception would come to constitute the dominant and controlling feature of the section. It was supposed that the proviso would take care of the unusual, of the extreme cases, but just the opposite has occurred. The proviso has come to be the controlling element of the paragraph and the part of the paragraph which denies the common carrier the right to charge more for the shorter distance than for the longer when the shorter is included within the longer distance has become the dominant feature of the law.

What is the reason for this discrimination? Why, the excuse is because of the water competition in favor of the coast points. When we became involved in the World War the ships that had been carrying commerce between the East and the West through the Panama Canal were largely drawn off from this service, and the very reason that had been used as the excuse for inequality in freight rates no longer existed.

On June 30, 1917, an order was issued wiping out discrimination in part. A little bit later this order was suspended, but on January 21, 1918, it was restored, effective March 15, 1918, and it has obtained until this time, but this does not mean that it will continue. On the other hand, it is a mere temporary provision calculated to meet war conditions, and will disappear, of course, with the termination of the war and the assumption of normal conditions. More than this, the relief granted since March 15, 1918, does not apply to eastbound traffic.

Gentlemen, I have asked that this map be placed before you, so that you may see graphically the picture of that which I am telling as well as hear the argument that I am making. My illustrations have reference to conditions in the Northwest, but the same principle applies when you consider all of this vast country extending from the Dominion of Canada to Mexico. A few hundred miles removed from the Pacific Ocean and beginning a few hundred miles west of the Mississippi River, in that vast region of country, are 13,000,000 people. In this strip of country along the Pacific are 2,000,000 people. Yet on the basis of the discriminatory charges that are being made you are asking these 13,000,000 people to pay enormously higher transportation charges than you are asking that the people of the Pacific coast pay, notwithstanding the fact that the people on the Pacific coast are receiving vastly more service than is rendered to the people in this great intermountain region.

Mr. Chairman, in 1917 a steel bridge was built at Priest River, in northern Idaho, that required in its construction 85½ tons of steel. This steel was shipped from Jacksonville, Ill., and the freight charges amounted to \$1,547.41.

Now, if instead of building the bridge at Priest River, Idaho, it had been built across some river in western Washington, the steel being purchased at the same place, being shipped over the same line that it was shipped over to Priest River on west a distance of 400 miles, the county in western Washington building the bridge would have been asked to pay, not \$1,547.41 but \$966.38. In other words, the freight charges would have been \$600 less than they were to the Idaho people, although the distance carried was some 400 miles farther.

A few years ago there was completed in Idaho by the Government for the settlers under the Boise-Payette irrigation project, and for which they will have to pay, what is known as the Arrowrock Dam. There was used in the construction of that dam 16,000 tons of cement. This cement was shipped from Kansas City, at 55 cents per hundred. Now, the rate from Kansas City to the Pacific coast points was 40 cents per hundred, or, in other words, 15 cents per hundred less than to Boise, the point from which the cement was hauled to Arrowrock. At 15 cents per hundred, which represented merely the difference between the price that was charged to our people over what would have been charged to the people of the coast, the settlers of the Boise-Payette project were asked to pay \$48,000 more than they would have had to pay had the returns been equal to the rate charged to the Pacific coast.

A city in Idaho put in a system of waterworks. A city on the Pacific coast of the same size put in an equivalent system. In both of these cities an equal number of tons of iron pipe was used, but the Idaho city was compelled to pay \$10,000 more in excess freight rates alone, which must come from the people of that city, than was paid by the city on the Pacific coast that put in the identical water system and the iron for which was hauled on the same railroad tracks that delivered the iron to the Idaho city, but was hauled 500 miles farther.

My home is in the heart of the famous Palouse and Potlatch granaries of the Northwest. To handle our immense crops we require an immense amount of binding twine.

Speaking of conditions just before the United States was plunged into the World War, or in 1916, on every 100 pounds of binding twine shipped to us from New York we paid \$1 in freight. Now, the same train that hauled binding twine to the Palouse and Potlatch region hauled other cars containing precisely the same commodity, purchased at precisely the same place in the East, and hauled these cars 400 miles farther west, where Pacific coast farmers had need for binding twine, and the freight charges to the Pacific coast farmers were 75 cents per 100 pounds instead of \$1, as they were to us.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. NEWTON of Minnesota. Does the gentleman know what the price of twine would be if it was shipped by water over to the west coast and then by rail inland?

Mr. FRENCH. I do not know what the price of that particular commodity would be, though I could advise the gentleman readily. But let me make an illustration here to show how that particular point has a bearing.

The children in our schools are taught where the great grain regions are, where the sections of our country are that produce lead, that manufacture steel and iron commodities, and that manufacture clothing and other kinds of woolen and cotton cloth. They know that these latter are largely in the eastern and New England States.

Now, the likes and the demands of people the country over are very much the same. The people in Boise demand the same kind of woolen and cotton apparel that do the people in Portland, Oreg.

A few years ago two merchants were engaged in the wholesale and retail business who were good friends, and one of them was conducting his business in Portland, Oreg., the other in Boise, Idaho. The stock that was carried by these men was approximately the same and the capital invested the same. Through the friendship of these men they arranged one season to go to the eastern markets in New York and Boston and buy their supply of cotton and woolen goods at the same time. True, the Portland merchant traveled a day and a night before he came to a point in south Idaho where the Boise merchant joined him on the trip east, but they journeyed on, and as they compared notes they found that their wants were identical and that they could be supplied by the same manufacturing and wholesale concerns of New York and Boston and other eastern points. They made the tour of industrial centers together. When either one purchased a quantity of goods the other one duplicated the order. The only difference was that the goods of one were ordered shipped to Boise, while the goods of the other were ordered shipped to Portland. The merchants returned home and awaited the arrival of the goods for fall and winter display.

Now, it happened that in the same train were the cars carrying the goods to the merchant in Boise and the cars carrying the goods to the merchant in Portland. I have said that the orders purchased were identical, but when the Boise merchant received his goods and went to pay his freight charges he was asked to pay \$3,500. The Portland merchant a few days later, after the railroad had hauled the goods 500 or 600 miles farther, paid not as you might naturally imagine \$4,000 or \$5,000 or even as you might reluctantly suppose \$3,500, but only \$2,000.

Bear in mind the same train hauled the goods for the Boise merchant as hauled the goods for the merchant in Portland; each merchant had purchased precisely the same quantity of precisely the same goods, yet the Boise merchant was asked to pay in freight \$3,500 and the Portland merchant to pay \$2,000 in freight—

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. RAKER. In addition to the 600 miles farther, you go over a mountainous road, which is expensive, more expensive than any other road, to maintain.

Mr. FRENCH. That is true, and in addition to that remember that the rolling stock of the railroad company was tied up for several days longer because of the greater distance; remember that engineers and firemen and brakemen were employed days longer; remember that capital invested was required to pay dividends for a longer period of time; remember that the quantity of merchandise was hauled 500 or 600 miles farther. I say, notwithstanding all these considerations, the discrimination to the extent of \$1,500 was shown in favor of the Portland merchant; in other words, his freight charges were cut almost one-half in two.

But this is not all the story. Both of these merchants were engaged in the wholesale business supplying smaller houses scattered in the towns of the Northwest. Let us take the town of Mountain Home, located 75 miles east of Boise; that is, 75 miles farther from Portland than it is from Boise. On a given quantity of goods to be offered to a merchant at Mountain Home the Boise merchant was able to assure the Mountain Home merchant that the freight rates would be \$3.50—that is, the amount the Boise merchant paid to bring the goods from the East—plus 43 cents from Boise to Mountain Home, or a total of \$3.93, the goods laid down at Mountain Home. The Portland merchant was able to assure the Mountain Home merchant that he would place the identical order in Mountain Home and that the freight charges would be \$2 to represent the cost of shipping the goods from the East to Portland and \$1.60 representing the cost of shipping them from Portland to Mountain Home, or, in other

words, \$3.00 in comparison with \$3.93, if the goods were purchased from the Boise merchant.

Bear in mind that the Portland merchant was able to assure the freight charges to the merchant at Mountain Home that I have indicated—33 cents less on the quantity of goods purchased than the freight charges that could be assured by the Boise merchant—notwithstanding the fact that the goods had to be hauled through Mountain Home by Boise, on to Portland, shipped back by Boise, and on to Mountain Home, a total distance of 1,200 miles farther than the goods would have been shipped had they been purchased in Boise.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. FRENCH. I will.

Mr. JOHNSON of Washington. The gentleman says that a given rate is the same on goods from New York or Boston. Now, following the gentleman's argument, why should not it cost a little more from Boston to Boise than from New York to Boise?

Mr. FRENCH. They are purchasing in this market here [indicating New York and Boston], and the rate is precisely the same to Boise from either or to Portland, Oreg., from either.

Mr. JOHNSON of Washington. But Boston is farther away from Boise than New York. Why should not the rate from Boston be just that much more?

Mr. FRENCH. No; I am making the cases parallel exactly. Both merchants of Portland, Oreg., and Boise, Idaho, purchase in the same general market of New York and Boston. But, however, let us leave out Boston if that confuses things at all for the gentleman. I do not think it should. They both buy in New York or they both buy in Boston. I am giving you precisely the ratio of the cost of freight from either city to Boise, Idaho, and to Portland, Oreg.

Mr. JOHNSON of Washington. But if they buy in Boston they should pay more under the long-haul plan than if they buy in New York.

Mr. FRENCH. They might, but it would be in proportion. Certainly the Boise and Portland merchants should not pay greater rates from the nearer point than from the farther, providing the goods from Boston are shipped through New York. As a matter of fact, I think that the whole thing is taken up in differentials, so that the rate is about the same in carload lots from Boston or New York to Boise, or from Boston or New York to Portland. In following my illustration all that I want is that you will let both Boise and Portland buy in the same market—New York or Boston—and compare the rates on that basis.

Now, let me give you another illustration of the conditions under which we are laboring. Here [indicating on map] is Spokane, Wash., and the Stanton Meat Packing Co. is in business there. A few years ago the Stanton Meat Packing Co., having a surplus of lard, wanted to send it to Chicago, Ill., the packers there purchasing the lard. The carload weighed 62,100 pounds. Now, then, that called for an examination of the freight rates and this is what they found: Rate from Spokane to Chicago was \$1.25 per hundred; also rate from Spokane to Seattle, 50 cents; Seattle to Chicago, 60 cents; a total of \$1.10. They found that they could send the quantity of lard from Spokane in one car to Chicago at \$1.25 per hundred, or they could send the lard from Spokane to Seattle and then have their agent send it back again right through Spokane, making a round trip or a joy ride for the lard of 700 miles and on to Chicago for \$1.10 per hundred. By doing this they could let the railroad company have the pleasure of hauling the lard from Spokane to Seattle, back to Spokane, on to Chicago, and do the whole thing \$93.15 cheaper than it would do it if it could haul the carload of lard from Spokane to the city of Chicago.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that the gentleman may have 10 minutes, the time not to be taken out of the time agreed on. The gentleman from Idaho has given this subject great consideration, and we would like to hear from him. It is an important subject.

The CHAIRMAN. The gentleman from California asks unanimous consent that the gentleman from Idaho may proceed for 10 minutes, the time not to be taken out of the time fixed by the vote of the committee. Is there objection?

Mr. SNYDER. Mr. Chairman, reserving the right to object, I do not see why under the limitation of an hour either one side or the other can not give the gentleman time without continuing the debate beyond the hour.

Mr. RAKER. This is a very important subject.

Mr. SNYDER. I appreciate the vastness of the subject.

Mr. RAKER. The gentleman has given great consideration to it.

Mr. SNYDER. Some one who has some of the hour can divide it up.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FRENCH. I want to thank the Members for this courtesy. Let me give you another illustration.

The Old National Bank in Spokane, Wash., in 1912, erected a 15-story building. An immense amount of structural steel was used in this building. The steel, of course, had to be shipped from industrial centers in the Middle West.

Now, if this building, instead of being built in Spokane, had been built in Portland or in Seattle, the freight charges that would have been saved would have amounted to \$22,360 on the structural steel which was shipped.

Bear in mind that the steel, had it been sent to Portland or to Seattle, would have been loaded on trains that would have been hauled through Spokane and a distance of 400 miles farther to its destination.

Gentlemen, these are merely a few illustrations. I could continue for hours and recite to you practical illustrations based upon conditions that exist in the intermountain country of the West. That I might not be in error I have followed with great care in giving my illustrations the testimony taken only last year by the Committee on Interstate and Foreign Commerce, House of Representatives, from men from Idaho, Washington, and elsewhere, who so ably and graphically pictured to the committee at that time the unreasonable conditions that exist in our western country touching traffic rates. I am especially indebted for information to Mr. George B. Graff, Hon. A. L. Frechafer, and Mr. Leonard Way, of Boise; Mr. J. B. Campbell, of Spokane; and Mr. John F. Shaunessy, of Nevada.

Mr. ROBSION of Kentucky. Will not the gentleman explain about the water proposition. He has not explained that yet.

Mr. FRENCH. That is just what my illustrations are leading up to. Under the Hayden amendment—which is the Poindexter bill—or under the Sims amendment a greater charge could not be made for hauling over the same line in the same direction a shorter distance than a longer, except in the Sims amendment, for reasons wholly apart from water competition.

Gentlemen, in the spring of this year I had the opportunity of visiting the war zone in Europe. I traveled over much of France and Belgium and Germany. I traveled for many miles along the Moselle and Rhine Rivers, and across many other rivers of these countries. Everywhere the rivers were in use except where the war itself had put an end to locks and had destroyed facilities, but in such places barges were beached upon the banks, showing plainly what had been the condition before the war. But the Moselle and the Rhine Rivers were literally alive with commerce. Tugs with three or four or five or six barges tied together, the one behind the other, were pushing their way up and down these rivers. I saw more barges in use in one day upon the rivers of Europe than I have seen in all my lifetime upon the rivers of the United States, and this ought not to be.

Gentlemen say unless this preferential rate is given to the coast cities and other cities where there is water competition or potential water competition the railroads will be forced out of business. Men, no such result as that will happen.

Bear in mind that across our continent only one trunk line has been built in 20 years, while, on the other hand, the western country has trebled or more than trebled itself in population and business. Therefore if there was any justification for the building of the continental lines when they were built, surely with the Panama Canal taking all the business that it can carry there will remain an abundance of business for the railroads to handle.

Gentlemen, the element of time may not be anything to a hog, but it is to a human being, it is to a business man, and the railroad companies with their facilities, with their ability to haul trains across the continent in a few days, would command the business in large part from coast to coast even if they should charge a rate slightly in excess of that charged through the Panama Canal.

In the first place, the canal ought to handle all the business that it can, and the railroads ought to be relieved of their congestion by this means. More than that, why have we built the canal? Why have we improved our waterways? Why do they not function as do the rivers of Europe, and why are they not alive with boats and barges hauling the freight of the country?

And so, in my judgment, 75 per cent or more—and men who have made close study of the question estimate that it would be far more than 75 per cent—of the coast-to-coast trade would go by railroads if the long-and-short-haul clause shall prevail.

but suppose that this were not the case, and suppose that the larger part of the business should be shifted to ships through the Panama Canal. Is there reason in God's world why it should not be? Why did we build the Panama Canal if not to furnish a means for commerce, for the scaling down of freight rates, and if that was the purpose why do we then put up a barrier to the success of the canal by permitting the railroads to haul from coast to coast at a rate unfair toward the shippers through the canal, and especially when the inland sections of the country must foot the bill?

Why should the intermountain and inland sections of the country be subjected to the levy of a subsidy so that the cities along the coast may have lower rates? Why should not the coast cities have the lowest possible rates by water and the lowest possible rates that economically they are entitled to by rail? They then would have an advantage over the cities of the inland country, but it would be an advantage that would be natural to their position; it would be an advantage of which we could not complain.

Traffic through the Panama Canal practically came to an end between the east and the west coasts of the United States by the end of 1915, but the unequal rates continued to operate until early in 1918. The discrimination in favor of the Pacific coast cities over the mountain country and western plains country of the United States resulted in a subsidy in favor of the Pacific coast cities of between \$12,000,000 and \$20,000,000, based upon the freight that was hauled through when there was no water competition, between 1916 and March, 1918. The subsidy is not less than \$6,000,000 per year in favor of the Pacific coast cities as against the cities of the Middle West and mountain country, and the people of the Middle West and mountain country are saddled with excessive freight rates in order to make up this amount.

But gentlemen say if the long and short haul shall prevail, rates will be disturbed; and some say that they will be higher. Now is the time to make the change, because now least of all will rates be disturbed. For nearly two years, under the direction of the Interstate Commerce Commission and later under Government control and in the absence of the use of the Panama Canal, the discrimination has been in part removed. Consequently, the change to the long and short haul law could be better made now than at any other time.

But let us take the worst that could happen—that rates in some places would be made higher than they are. As an antidote to that, rates in other places would be made lower, and, what is more, rates everywhere would be just and equal, or at least measurably so. Spokane, Wash., or Boise, Idaho, may be entitled to lower rates from the East to the West than Seattle or Portland or San Francisco; but even if they are so entitled they are not asking it; what they are asking is that their rates shall not be higher, and by the long and short haul clause they would not be higher and a more equitable condition would be established, under which the cities of the middle western and mountain country could become legitimate distributing centers and would have whatever advantage could come from the Panama Canal from coast-to-coast trade by water and from the development of waterways within the United States.

Do gentlemen forget that when the Panama Canal was opened there was pressed into service for it all the ships that numerous companies on the Atlantic and Pacific could get together, and do gentlemen know that within a few years all but two or three of the companies engaged in coast-to-coast trade had been forced out of business and ships had been sold and failure had been written above the venture?

And why? One of the reasons why was because after building the canal for the legitimate purpose of using it as a means of equalizing and reducing the freight rates between the East and the West we then turned around and permitted the bars of discrimination to be erected in favor of railroad transportation to coast cities, and the ships going through the canal simply could not get the freight, and therefore could not make a success of their business.

Gentlemen, we have expended \$500,000,000 to build the Panama Canal; we have expended almost \$1,000,000,000 on river and harbor work. Why, then, will we permit these great agencies of transportation to be idle and let the people be deprived of their greatest usefulness? [Applause.] If, gentlemen, you will remove the strictures on actual competition between the water carriers on the rivers and through the Panama Canal and the transportation companies through this country, you then will see not ill-pads growing in the Panama Canal, as the great empire builder, J. J. Hill, of the Great Northern, said that he proposed to see grow, but you would see a busy canal, carrying its ship loads of commerce from east to west,

competing as they ought to compete with the great transcontinental railroads and cutting down the rate of freight between the East and the West. Gentlemen, that is what would occur.

This matter has been gone over so often—often even by myself in public and in private interviews—with Members of the Congress, and a multitude of times by others who are interested in the problem that it seems there is little more that can be offered or said by me than I have already presented.

Let me review, however, some of the reasons why the present condition is wrong and why a law should be passed that will definitely provide that a greater charge may not be made by a common carrier for hauling goods going in the same direction on the same line than may be charged for a longer distance when that shorter distance shall be included within the longer.

From the illustrations that I have made there should be no trouble in coming to the conclusion that I have urged on mere general principles. But there are other considerations.

The vast grants of lands that were made to the railroad companies were made to encourage the extension of their lines. The intermountain country is as much and as vitally interested—and was as much and as vitally interested—in these lands as were the Pacific Coast States. Equality, then, should be administered to all alike, to the people of the mountain country and to the people of the Pacific coast.

Second, we built the Panama Canal a few years ago. It cost the people of the country something like one-half billion dollars. That money was not advanced by the people of the Pacific coast; it was not advanced by the people of the East; it was advanced by the people of all our country, and in that great project the people of the western and intermountain country have as great a right and interest as have the people of any other section. That being the case, we have a right to receive the benefits from the building of the canal. One of the great benefits to be attained by the completion of the canal, we were told everywhere, was the scaling down of transportation charges between the East and the West. Is that a benefit that is to accrue to the West alone, that is merely along the Pacific coast, or is it a benefit that should accrue to all the great West, including the plains States and the States in the intermountain region?

Again, not only from the standpoint of fairness between man and man ought the contention that I am urging to prevail, but from the standpoint of the building up of our country it should prevail. I am sure that the Congress does not want to deliberately grant better conditions to one group of cities than it grants to another group, yet that is precisely what is being done under the present law. When a merchant can establish himself in Portland, Oreg., buy his goods in the eastern markets, ship them by rail to Portland, through Idaho, and turn around and ship the same goods back to Idaho points and lay them down at a less price than they can be shipped to Idaho from the East, it is a clear discrimination in favor of cities on the Pacific coast as against those in Idaho and other parts of the great West. Now, this discrimination is not only against cities that are already established in Utah, Colorado, Idaho, Montana, and other States, but this discrimination works an injury upon those States as they attempt to invite new capital or to profitably invest the capital that is theirs as a result of years of toil and frugality. What encouragement is there to offer, what inducement is there to present, when the cities of the Pacific coast can say, "If you will establish your plant, your wholesale house, your factory with us we can show you that you can have cheaper freight rates than if you were to establish your institution in Spokane, or Boise, or Salt Lake City?"

Again, it is right that this idea should prevail, because we ought to adopt a system that will be stable and that will be permanent. One of the great considerations that enter into the minds of capitalists as they look to investments is stability. Although during the last year or so a greater charge has not been made for hauling goods from the East to the mountain country than is made for hauling the goods to the Pacific coast, it is well known that as soon as war conditions shall be over the change will be made, and if the change shall be made next year we have no assurance that a more unreasonable change will not be made the year following and that a further and maybe grossly unreasonable change will be made in 10 years from now. These discriminatory rates may be modified from year to year. No; we should write the principle that I have enunciated into law, so that the section of country that has 13,000,000 people, that contributed its full share to the encouragement of railroad building, its share to the Panama Canal construction, to the river and harbor work of the country, shall have equal and fair chance with the section of country upon the rim of the United States.

But it is urged that this discriminatory system is right because of water competition. Gentlemen, a great deal may be conceded to those who urge that the Pacific coast shall receive advantages by reason of water competition that will fall short of conceding that the unreasonable discriminatory rates that have existed shall continue to exist. Surely it is a concession when we say that goods may be shipped to Portland, Oreg., to Seattle, Wash., at a rate no greater than that which is charged for shipping the goods to Salt Lake, or Boise, or Spokane. We are not asking even that which it would seem we have the right to ask—that the rates to this intermountain country shall be less than to coast points; what we are asking is that they shall not be more.

If you say that the charges shall be the same the intermountain country will then be bearing a burden that is much higher and much harder to bear than the burden placed on the Pacific coast cities and peoples—a greater burden, I say, for the reason that the people of the intermountain country are asked to pay an amount equal to that paid by the Pacific coast for service that is much less.

I realize, first of all, that you can not pro rate freight rates upon the basis of distance altogether; that is, you can not say that if you load a freight car, haul it 100 miles, and unload it, ten times as much should be charged as if you load the car and haul it 10 miles and unload it. True, the distance is ten times greater in one case than in the other, but other considerations enter in. No matter whether the car is hauled 100 miles or 10 miles or 100 feet, I assume that it will require just as long a time to load and unload it. So I am willing to say and to admit that the rate for hauling 10 miles should be much greater per mile than the rate for 100 miles.

But by what right, by what reason, do we arrive at the conclusion that we should charge less for hauling a greater distance than we charge for hauling the shorter distance?

Gentlemen, it is illogical, it is indefensible, it is absurd. If this proposition had been called to the attention of Lewis Carroll at the time he wrote his delightful book—*Alice in Wonderland*—I have no doubt that he would have had the question illuminated there, and he would have had large-eyed Alice propounding the question to the Mad Hatter, "How can a half of an apple be more than a whole apple?" and the Mad Hatter would solemnly assure little Alice that "it is not larger, and it can not be; and yet," he would say, "it is more." He would say, "Strangely enough, a half is not greater than the whole, and yet it is greater," and little Alice would go on in *Wonderland*.

Now, gentlemen, that is the same proposition that you are trying to make the people of this intermountain country believe, that a half of an apple is greater than the whole apple; that if a man purchases a suit of clothes for himself for \$50, he should pay \$75 for a suit of the same cloth for his little son; or, if he chooses to buy the coat alone, and not the vest and trousers, he should be charged \$60 for the coat, while if he purchases the coat, vest, and trousers, the price to him would be \$50; that if he ship a carload of merchandise to a point in Idaho on the main line he shall pay more than if he ship the carload through this point and 500 miles beyond—over on the Pacific coast.

Mr. ALMON. Would the Sims amendment relieve that situation?

Mr. FRENCH. It would, absolutely. This is not a new thing. It is a thing that has been discussed for a good many years. Unquestionably the equities of the case are with these 13,000,000 people in the plains and intermountain country.

Mr. SUMNERS of Texas. Will the gentleman yield for a suggestion?

Mr. FRENCH. I will.

Mr. SUMNERS of Texas. In addition to that, you would take this unnecessary freight from the railroads and permit the railroads to properly function in this country?

Mr. FRENCH. Unquestionably. And we know before the Government took the railroads over, and afterwards, according to the debate yesterday that came from the former Speaker of the House [Mr. CANNON] and from the gentlemen from Texas [Mr. PARRISH, Mr. JONES, and Mr. BLANTON], the railroads do not to-day have the freight cars with which to handle the traffic of the country's business. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAYDEN. Mr. Chairman, I offer a substitute.

The CHAIRMAN. The gentleman from Arizona offers an amendment by way of a substitute, which the Clerk will report. The Clerk read as follows:

Substitute by Mr. HAYDEN: Page 55, strike out section 406, and insert in lieu thereof the following:

"That section 4 of the act to regulate commerce as amended, be further amended to read as follows:

"Sec. 4. (1) That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of like kind of property, for a shorter than for a longer distance over the same line or route in the same direction, the shorter being included within the longer distance, or to charge any greater compensation as a through route than the aggregate of the intermediate rates subject to the provisions of this act, but this shall not be construed as authorizing any common carrier within the terms of this act to charge or receive as great compensation for a shorter as for a longer distance.

"(2) Whenever a carrier by railroad shall, in competition with a water route or routes, reduce the rates on the carriage of any species of freight to or from competitive points, it shall not increase such rates unless after hearing and an order granting permission therefor by the Interstate Commerce Commission."

Mr. FRENCH. Mr. Chairman, I also ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Idaho asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none. The gentleman from Kentucky [Mr. BARKLEY], a member of the committee, is recognized.

Mr. BARKLEY. Mr. Chairman, I appreciate, as all the Members of the House do, the situation which has been described by the gentleman from Idaho [Mr. FRENCH] and by the gentleman from Arizona [Mr. HAYDEN], and I would be glad to see it relieved; but if the gentleman from Tennessee [Mr. SIMS] succeeds in the adoption of his amendment, the result would be the tearing up of the entire rate structure all over the United States, because by this permission now given to the Interstate Commerce Commission in special cases the railroads are allowed to depart from the original long and short haul clause of the interstate-commerce act, and it applies to all the United States and not simply to the intermediate sections, as has been asserted.

Mr. HARDY of Texas. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. I have only five minutes; I am sorry.

Let us take the situation not only along the Pacific seaboard but also along the Atlantic seaboard. We will assume that there are railroads running up and down the coast, as there are on both coasts of the United States. These railroads touch water points here and there, but they also reach intermediate points. We have on the oceans an ocean-carrying monopoly called the coastwise monopoly, engaged in by the boats that haul commerce up and down the Pacific coast and the Atlantic coast. The Interstate Commerce Commission, in order to allow the railroads to compete with this water transportation, has allowed them to reduce the rates to a point that will enable them to compete with this coastwise monopoly on the Atlantic and Pacific seaboard.

If the amendment of the gentleman from Tennessee is adopted, it will take from the roads the right to compete with this monopoly on the Atlantic and Pacific coasts, and will result in the increase of rates to the people who live on the water without any corresponding benefits to the people who live in the interior. The result will be no benefit to the people in the intermediate points, but—

Mr. BLAND of Missouri. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. BLAND of Missouri. Would it not result in an increase of rates to the people in the inland points?

Mr. BARKLEY. Absolutely.

Now, it is necessary for the roads that serve the inland points to get the through business, and they can not get the through business unless they can compete with the water rate; and if you take away from them that business, you not only handicap the service they may be able to render the inland points, but in many cases cause of necessity a withdrawal of the service to inland points.

Mr. GOODWIN of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. GOODWIN of Arkansas. Why not regulate the coastwise trade?

Mr. BARKLEY. Originally the subcommittee gave the Interstate Commerce Commission the power over the water rates, but that has been eliminated in the full committee, and I do not believe the House would give the commission any power over water rates.

Mr. LARSEN. Mr. Chairman, will the gentleman yield for a question?

Mr. BARKLEY. Yes; I yield.

Mr. LARSEN. If a railroad controlling the Atlantic coast can make a living at hauling freight at a given rate, why can it not do it going across the country?

Mr. BARKLEY. That brings in the question of the equation involved in the transcontinental haul. Under the law as it exists, and even if the Sims amendment is agreed to, the rail-

roads can compete with one another, so that you can have a lower rate at some congested point where there is rail competition, lower than to intermediate points. But this amendment takes away from people who happen to live in the cities that are on the water the benefits of their natural position and they are robbed of any competition, because the railroads can not compete with these great steamship lines, and therefore they will have to withdraw from the trade, and if they do withdraw from it that will seriously interfere with their ability to serve the people on intermediate and interior points.

This has been in effect for 30 years. As the result of it you can take the city of Houston and other cities in the State of Texas and elsewhere, where by reason of the fact that the railroads are permitted to compete with the coastwise monopoly that serves the Gulf ports of Texas and other States, factories have been located there and maintained. The differential has a great deal to do with the location of factories and commercial enterprises. If that is taken away it will be a great injustice to many institutions that have been established and that have spent millions of dollars in locating upon the water ports of the United States by reason of the conditions that have prevailed under the rule that has operated in the last 30 years. The result, my friends, will be that these intermediate points will not be benefited by the reduction of rates, but the rates will have to be raised on the terminals, and therefore the expense of shipments in the United States will be increased without any corresponding benefit to those who are complaining against the provision. Therefore the Sims amendment will not accomplish any benefit to those it seeks to relieve, but will result, on the average, in an increase of rates throughout the country.

The CHAIRMAN. The time of the gentleman from Kentucky has expired. All time has expired.

Mr. SMALL. Mr. Chairman, I have an amendment which I wish to be considered as pending after the pending amendment and substitute are disposed of.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from North Carolina.

The Clerk read as follows:

Amendment offered by Mr. SMALL: Page 55, after line 13, insert a new section, to be No. 405 (a), as follows: "Where there is an existing line of water transportation, or one is proposed to be immediately established, it shall be unlawful for any railroad which operates between points competitive to said water line to reduce its existing rates with a view to meeting the difference between water rates and the rail rates, unless after full hearing the commission shall find that such reduction of rail rates is justified in the public interest. In determining the question of public interest the commission shall consider the rates charged by the water line as presumptively reasonable and shall also consider the advisability or necessity of maintaining increased facilities of transportation: And provided further, That the commission shall not permit any railroad to reduce its existing rates as between points competitive with the water line or lines unless such railroad maintain such reduced rates as the maximum at all intermediate points on all its lines between the points of origin and destination: And provided further, That the provisions of this section shall have no application to commerce through the Panama Canal."

Mr. ESCH. Mr. Chairman, I reserve a point of order on that.

Mr. SMALL. I may say, Mr. Chairman, that a point of order was made and overruled yesterday by the then Chairman, except that he did not think that it was offered at the proper place at that time. The point of order was only sustained to the extent that it was not offered at the proper place, but I afterwards had a conference with the then Chairman of the Committee of the Whole, and this is the place where we agreed it should be inserted. I mention that circumstance in order that the Chair will recall it. I think the gentleman from Illinois [Mr. MADDEN] made the point of order yesterday on the ground that it was not germane to the section of the bill, which the Chair overruled.

Now, Mr. Chairman, I made some remarks on yesterday in which I endeavored to show the merits of this amendment. It is intended in a mild way to prevent railway lines which are competitive with water lines from reducing their rates, and they can do it only with the consent of the Interstate Commerce Commission, which must find that it is in the public interest, and if they do reduce their rates competitive with water lines then they must reduce their rates similarly upon all of their lines. That is the substance of this amendment. It does not go as far as I individually would like to have it go. It has reference only to existing conditions and not to past conditions. I think, however, it will accomplish a wise purpose, will prevent this constant friction and clash between water lines and rail lines in the future, and will give water lines that right which ought to be theirs, the right to exist, and work out their own salvation in the interest of the transportation facilities of the country.

Now, Mr. Chairman, with that statement I also wish to say that I am in favor of the amendment offered by the gentleman from Tennessee [Mr. SIMS]. The gentleman from Idaho [Mr.

FRENCH] gave some clear and conspicuous illustrations of the injustices which are perpetrated under the existing law. Why this discrimination between ports on the Pacific coast and points 500 miles in the interior?

Mr. HAYDEN. Why should not the gentleman's amendment apply to the Panama Canal if that is the case?

Mr. SMALL. If the amendment of Mr. SIMS, giving application of the long-and-short-haul clause is adopted, I will revise my amendment so that it will include traffic through the Panama Canal.

Why are these discriminations practiced, forsooth? They did not exist until after the Panama Canal was constructed, but after that canal was opened up and we had ships plying between the Atlantic and the Pacific coasts, through the canal, affording lower rates for the commerce of the country, then the transcontinental roads applied to the Interstate Commerce Commission for permission to reduce their rail rates.

Mr. SNYDER. Will the gentleman yield for a question?

Mr. SMALL. In a moment. The gentleman from Idaho [Mr. FRENCH] said that during the period of Federal control these inequalities did not exist. Why? Because during the war ships which had been going through the canal were withdrawn and put into the trans-Atlantic service, and immediately the railroads made application to the United States Railroad Administration assumed the power to restore the old rates. Just as soon as this Congress enacts a law restoring the railroads to their owners the application will be made again, and the same conditions will exist as prior to this war.

The people who live in interior sections have a just cause of complaint. The gentleman from Kentucky [Mr. BARKLEY] attempted to justify it, because he said rate systems had been built up, industries had been established at various points, predicated upon these favorable conditions, and he gave as an example the city of Houston, Tex. The Government has spent millions of dollars to give 30 or 35 feet of water up to Houston, and they are entitled to whatever benefit they get from water transportation.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. SMALL. May I have unanimous consent for two minutes more, not to come out of the time fixed for debate?

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to proceed for two additional minutes, not to be taken out of the time fixed by the committee. Is there objection?

There was no objection.

Mr. SMALL. The Government has spent millions of dollars to build a capacious and adequate channel up to the city of Houston. The people of Houston are entitled to use that channel to the fullest extent and to derive every benefit possible from it, but they are not entitled to use that improvement to get lower rail rates at the expense of an interior city 100 or 200 miles distant. [Applause.] It is unfair and unjust.

There are two selfish sides to this question. One is the attitude of selfishness, built upon injustice, of cities like Houston, Portland, Seattle, New York City, and Boston, which are enjoying certain preferential rail rates at the expense of other sections and other cities of the country. No one claims that Seattle and Portland and Los Angeles should not enjoy the favored rates of water commerce going from the Atlantic coast through the Panama Canal. They are entitled to the low rates which they receive upon movements of traffic through the canal, but they are not entitled to a reduction of rail rates simply by reason of the Government having provided the Panama Canal, at the expense of points in Idaho and interior Washington.

Let me give you an illustration, which happened a moment ago, regarding the two selfish sides: Here is the gentleman from Washington [Mr. JOHNSON], from the city of Seattle, who is opposed to the amendment. The gentleman from Spokane, in the same State [Mr. WEBSTER], is in favor of it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WELTY. Mr. Chairman and gentlemen of the committee, it seems as though this is a contest between those who are representing cities favorably situated on water and those who represent inland towns. But let us look at the situation. We have spent \$84,442,221.02 for the canalization of the Ohio River. We have spent in addition to that \$67,795,300 to canalize the tributaries of that river. We have taken almost \$150,000,000 out of the Treasury of the United States for the purpose of canalizing the Ohio River and its tributaries, so that we in the North might procure cheaper coal. Then, when you take that coal and load it upon the boats for Cincinnati, you permit the railroads which run from Cincinnati to Toledo to charge \$1.50 a ton for the transportation of river coal from Cincinnati to Toledo, while they charge only 92 cents if they receive that coal

from one of the coal roads running into Cincinnati. We might just as well look at this situation squarely. Why should we take millions of dollars out of the Public Treasury for the purpose of canalizing the Ohio River and its tributaries, so that those in the North may get cheaper coal, and then when the boats loaded with coal reach Cincinnati permit the railroads to charge for the coal that they receive from these boats \$1.50 a ton to transport it from Cincinnati to Toledo, while they charge only 62½ cents a ton for the same transportation if they receive the coal from one of the coal roads?

And that is not the only discrimination. Go to Fort Worth, Tex. I understand that Fort Worth is about 280 miles from Galveston, Tex. Dallas is about 270 miles from Galveston, Tex., and yet the merchant at Fort Worth or Dallas, Tex., pays four times as much per mile for his freight as does the merchant at Kansas City, because Kansas City happens to be on a navigable river. The merchant at Kansas City is permitted to receive his freight at one-quarter of what the merchant at Fort Worth and Dallas receives his.

Gentlemen, if you represent the favored places, you ought to vote against the Sims amendment, but if you represent towns and cities that have not the advantages of water transportation, you ought to support the Sims amendment. If you will consider the millions of dollars spent for the purpose of canalizing the Ohio River, money taken out of the Treasury of the United States, how can you permit private roads to charge 87½ cents more for coal than they receive from the river boats than they charge for coal received from one of the four coal roads running into Cincinnati? Take the freight rates from Buffalo to New York. They are 50 per cent cheaper than any other places because of the Erie Canal.

Let me give you a few more illustrations to show the discrimination: The route from Cincinnati to Evansville, on the river, is 270 miles, and first-class freight is 42 cents per 100 pounds, while to Gallatin, Tenn., which is inland 273 miles, the rate is 70 cents. The rate from St. Louis, on the Mississippi River, is 43½ cents, while to Englewood, Tenn., inland, it is 86 cents.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EVANS of Nevada. Mr. Chairman, eastern Oregon, eastern Washington, eastern California, Nevada, Idaho, Arizona, New Mexico, and Utah all paid their proportion of the cost of the Panama Canal. It is now operated by this Government through one of its branches. Will we permit another branch of the same Government to make such a discriminatory low rate on rail traffic that it can put the canal out of business and lose us a large portion of the money we paid for the canal? We paid for the canal, and its reason for being is the traffic through it. If the railroads are to be permitted to cut rates to meet the canal rates we may as well turn the canal back to Panama, as no one will ship by the slow water route what he can ship as quickly by the quicker rail route. And this brings up another question: If the Interstate Commerce Commission, a function of our Government, is to be permitted to take an action the effect of which is to seriously affect the canal administration, another Government function, are we not confronted with the fact that we have not one Government but two, and these two in direct competition? And if two, why not three, or as many more as we have different Government branches? It would seem the people of this country have a right to know that they have one Federal Government, and that the functions of one branch of that Government will not and can not be interfered with or usurped by another branch.

Thirty-two years ago it was established as correct and just that no greater charge should be made for a shorter haul than for a longer haul over the same line and same direction. Yet cases without number can be cited where the inequality and iniquity of discriminating against interior States still prevails and is defended by representatives of sections which defy all sense of shame and fear of law to further benefit at the expense of States rendered financially weak by this pernicious practice. When you permit by ingenious argument one State or section to establish and practice unfair advantage over another State or section by a violation of recognized principles of equity through discriminatory freight rates, you encourage and promote wholesale inequality.

For about two years since 1887 the roads observed the law, when they again found means to initiate and name rates discriminating against interior points—simply a plan to disregard equal sectional rights—enlisting support from terminal points by argument that such point had corresponding advantage. The contention is not based upon fact, and even if true would still be undesirable even to those sections proposing to aid at the expense of other points. We demand a strict enforcement of the long and short haul clause, so clearly just and right, with

confidence that Congress will observe the great American principle of equal rights to all.

You had the honor of hearing the gentleman from Michigan [Mr. FORDNEY] declare the same doctrine not a month ago on the floor of this House.

Mr. MEAD. Mr. Chairman, I wish to say that if the Sims amendment does tear up the rate structure which it took 30 years to build, that structure ought to be torn up if it perpetrates an injustice upon 13,000,000 people. The splendid arguments advanced by the gentleman from Arizona [Mr. HAYDEN] and the gentleman from Idaho [Mr. FRENCH] prove that the railroads should be left at least temporarily in the control of the Government until these injustices can be eliminated.

Mr. Chairman, in order that the record may be kept straight and clear I call the attention of the Congress to a statement of the gentleman from Massachusetts [Mr. WINSLOW] appearing in yesterday's RECORD. I believe the gentleman misunderstood Mr. Doak, who testified before the committee. He states Mr. Doak, appearing before his committee, advised in favor of the plan which is contained in the Esch bill by the committee.

Mr. WINSLOW. Will the gentleman yield?

Mr. MEAD. After I have read the gentleman's statement I will. The gentleman from Massachusetts said:

We concluded that the trend of the times and the thought of the hour ran strongly in favor of the conciliatory plan. So we determined we would work out the machinery on that basis. How should we go about it? How should we provide for the consideration of the differences? We determined that we would take the advice of a labor leader who appeared before the committee and argued in favor of boards of equal representation between capital and labor. I refer to Mr. Doak. You can find his testimony in the second part of the hearings. Now, labor comes in and says "no." They do not want it at all. We worked out the scheme in accordance with the ideas of the labor representative who appeared before us. If we are wrong, he was wrong. We took him to be sincere, and we built up the structure on his recommendation.

Mr. Chairman, I have here the remarks Mr. Doak made before the committee.

Mr. WINSLOW. Mr. Chairman, will the gentleman yield?

Mr. MEAD. As soon as I conclude reading Mr. Doak's statement. Mr. Doak spoke as follows:

I tried to make plain that there was no necessity of any legislation on this subject. I advocated only mutually agreeable, voluntary methods of adjustment, pointing out as best I could my reasons for so stating that position. I still hold the views then expressed as an individual and am now to a greater degree reinforced by having the judgment of the representatives of the American labor movement's opinion. We all agree that nothing but voluntary methods are proper and will secure the results desired by the rank and file of our citizenship. We do not agree that those are the views of the persons advocating the destruction of organized labor, neither do we share the views of those desiring to exploit, blind, and shackle the hands and feet of free men.

In connection therewith Mr. Doak informed me this morning that several days ago he wrote a letter to the committee and told them he opposed the committee plan and favored voluntary mediation between the representatives of organized labor and the operators of the railroads, the same system that was in vogue before the Government took over the railroads; that is, the representatives of the workers settle their differences with the representatives of the railroads.

There is another matter that I desire to bring to the attention of the House. At the top of page 8511 of the RECORD, some Member, speaking to the House, said let the brotherhoods and American unions rid their ranks of anarchists, and all through the debate yesterday those who favored compulsory arbitration and penalizing legislation said they did it because of the anarchists in the labor movement. Let me say to you, my friends, it is not the duty of the American laboring man to rid this country of anarchists. It is the duty of the Department of Justice and other governmental agencies. If they have not the power to drive from our land those who hate our flag, those who detest our institutions, we should clothe them with further power, and I assure you if we drive the anarchists from America we will have the loyal support of the laboring man in doing so. [Applause.]

Speaking of the loyalty and patriotism of the railroad train service organizations, which includes the men engaged in yard, freight, and passenger service in the United States, members of the Order of Railway Conductors, Brotherhood of Locomotive Engineers, Switchmen's Union of North America, Brotherhood of Railway Trainmen, and Brotherhood of Locomotive Firemen and Engineers, is proved not only by their steadfastness to duty on the railroads of France and in our own country, but also by the sacrifices made by the members of these organizations on the field of conflict. Even a cursory investigation of the records bears out this statement.

The total membership of the organizations above mentioned is 444,058, and of these 28,728 served in the Great War. This is indeed an admirable, yea, a great showing when it is considered that 70 per cent of the membership are men over the draft age, and many of them disabled from injuries received in train

service prior to the war. The same loyalty and patriotism manifested by these organizations was equally demonstrated by the section men, shopmen, clerks; in fact, all railroad employees. But, lacking accurate figures, I am unable to quote them.

Comparison of the casualties in the American Expeditionary Forces with casualties on the railroads of the United States brings to our minds the dangers the average railroad man works under day and night. Let me quote a paper written by Dr. Dumott, chairman of the United States Railroad Administration's committee on health and medical relief, in which he gives the following information, which I feel will be of interest to you:

In passing it might be pertinent to state that the railroads under Government control in 1917 employed approximately 2,000,000 men and women, mostly men, injured over 194,000 persons; approximately 63,000 of these people injured were more or less severely crippled and over 10,000 people were killed. The figures for 1916, same roads, are so similar that unless I emphasized the year which I was quoting the figures you might justly believe that 1917 figures were being repeated. The American Expeditionary Forces figures quoted below are from the New York Times, June 3, 1919:

American Expeditionary Forces—War:

Killed	51,471
Injured	206,650
Railroads:	
Killed	10,000
Injured	194,605
Increase in American Expeditionary Forces over railroads:	
Killed	41,384
Injured	11,845

The war is won, thank God; the destruction in France has ceased; but day by day we read of collisions, wrecks, explosions, and other accidents upon our railroads, and day by day the gruesome toll of men engaged in this line of work is increased. And so, gentlemen, I would have you remember, even those of this profession whose duties make it necessary they remain at home, these men did their "bit," rendered loyal service, and made sacrifices in the time of their country's peril while engaged in rushing men, provisions, and munitions to the boys at the front; and in other ways proof was given of the patriotism of the men who served at home.

Not only did they purchase Liberty bonds and war-savings stamps but they also kept up the insurance of the 28,728 men who joined the colors. This was done by a special assessment which the members placed upon themselves; and the heirs of every member killed in the service of his country, or permanently disabled, have already received their insurance from the organization of which he was a member. That 28,728 men left their work to fight is an exceptional showing; and it is to be remembered that the exemption boards were ordered by the Government to exempt railroad men because the railroads were becoming demoralized because of the great number of men who voluntarily joined the Army and Navy. Yardmasters, trainmasters, master mechanics, and superintendents not only sought the exemption of their men but constantly advertised for help. And this proves not alone that the men left their work to serve their country; it also proves the further fact—contrary to what the public has been led to believe—that work on the railroads, considering the dangers and wages paid, was most unattractive to the average man.

When we regard the wage proposition everyone familiar with railroad affairs knows there are times when business is rushing and the men, by working overtime, draw fairly good pay, but there are other times when business is at a standstill, and these men do not earn enough to meet their expenses. This is particularly true of the men in freight and yard service, for in dull periods it is the policy to reduce the number of crews and, as a result, the average wage is anything but high. I have known men who have worked as engineers for 10 years being demoted to firemen, and firemen who have worked for 10 years, and who had regular passenger runs, being "set back" to the extra board and working only about one day per week.

For example, when business is active a railroad may work 20 train crews at a given terminal, but in dull periods this may be reduced to 5 crews, with a result that some men are reduced, some placed on the extra list, while others are temporarily laid off. If, then, one is fair and computes the general average wage, he will find that the increase in wages paid railroad men, contrary to the general belief, has not kept pace with the increased cost of living. If we, however, take as an example a special case, such as a first-class passenger run, where the crew makes upward of 150 miles per trip, of course the wages are better, but it is necessary to serve about 20 years or more before one is placed on such a run, and after a service of 20 years a man is entitled to some extra consideration and fair wages. If it is also borne in mind that men engaged in freight and passenger service are away from home a great deal of the time, and therefore they must pay board and lodging at one end of the road and maintain a home at the

other end. In nearly every other line of work men who travel are paid their full traveling expenses in addition to their salaries, but this is not the case with railroad men.

When we are honestly looking for the correct amount of money a man in train service receives we must not look to the Southern Pacific Railroad or to the Bangor & Maine Railroad or any other railroad for a special case. We must, instead, take a fair average for the average man the year around, both in the busy and in the dull period.

The claim that railroad employees receive high wages is not supported in the report of a railroad wage commission made last year. The chairman of the commission was Hon. Franklin K. Lane, Secretary of the Department of the Interior. The commission said:

It has been a somewhat popular impression that railroad employees are among the most highly paid workers, but figures gathered from the railroads disposed of this belief. Fifty-one per cent of all the employees during December, 1917, received \$75 per month or less, and 89 per cent received \$100 per month or less. Even among the locomotive engineers, commonly spoken of as highly paid, a preponderating number receives less than \$170 per month, and this compensation they have attained by the most compact and complete organization, handled with a full appreciation of all strategic values. Between the grades receiving \$150 and \$250 per month there is included less than 3 per cent of all the employees (excluding officials), and these aggregate less than 60,000 out of a grand total of 2,000,000.

The greatest number of employees on all roads fall into the class receiving between \$60 and \$65 per month—181,693; while within the range of the next \$10 in monthly salary there is a total of 312,761 persons. In December, 1917, there were 111,477 clerks receiving annual pay of \$900 or less per annum. In 1917 the average pay of this class was \$56.77 per month. There were 270,855 section men, whose average pay as a class was \$50.31 per month; 121,000 other unskilled laborers, whose average pay was \$58.25 per month; 130,075 station service employees, whose average pay was \$58.57 per month; 75,325 road freight brakemen and flagmen, whose average pay was \$100.17 per month; and 16,465 road passenger brakemen and flagmen, whose average pay was \$91.10 per month.

These, it will be noted, are not prewar figures; they represent conditions after a year of war and two years of rising prices. And each dollar now represents in its power to purchase a place in which to live, food to eat, and clothing to wear but 71 cents, as against the 100 cents of January 1, 1916.

Since this report was issued the railroad employees secured wage increases that approximate 34 per cent to meet the 71 per cent increase in living costs that the commission acknowledged. The railroad workers are asking for another increase to maintain advancing living costs.

For many years my business has brought me into intimate touch and close relationship with the men who work on our railroads. At 12 years of age I started as a water boy, then served as a section hand, a shopman, and switchman. So, you see, I speak with knowledge born of experience in giving you these facts with respect to the condition of the men engaged in this hazardous, yet most essential, branch of industry.

I have a sympathetic interest in their lives and their fortunes, and am ambitious to make their lot a little safer, a little better, more comfortable and happy.

Mr. HARDY of Texas. Mr. Chairman, this subject has been interesting to me from the time I first came to Congress. Every interior point in the United States has been for the last 30 years paying a tribute by way of excessive rates in order to give cheaper rates to other points, and thereby to put itself at a disadvantage as compared with such other points. I want to state this, that any city on a navigable river or on the coast has a right to all of the special natural advantages its location gives it, but it has no right to have an additional advantage given it by the levy of excessive freight rates upon interior points. Spokane and Seattle illustrate the Northwest. The gentleman from Washington [Mr. FRENCH] has fully shown the injustice of the discrimination in favor of Seattle as against Spokane. Dallas and Kansas City or any of the Mississippi River cities illustrate the South. The freight rates on commodities from Galveston to Dallas are nearly twice what they are on the same commodities from Galveston through Dallas to Kansas City. Why? Because there is a potential competition from Galveston to Kansas City between the railroads and water transportation by way of the Gulf and up the Mississippi River to Kansas City. There is no real competition, because there is no navigation actually on the Mississippi from the Gulf to Kansas City, but in order to forestall any possibility of a shipload of goods going from Galveston around the Gulf, up the Mississippi River to Kansas City, the freight is less to that point by rail than it is from Galveston to Dallas, a distance of less than 300 miles. Again, my home town is 210 miles from Houston and 260 miles from Galveston. We pay and have paid for 30 years on lumber rates greatly exceeding the rates charged on lumber to Memphis, Tenn., and why? Because that lumber might be hauled from Beaumont down to the Gulf, and around the Gulf and up the Mississippi, making 1,000 or 1,200 miles of water haul, and to forestall and to prevent the installation of ships on the river the railroads of the country give cheaper rates to Memphis and St. Louis. Why, the rate from Beaumont to St. Louis through Corsicana is less than it is to Corsi-

cana, a distance of 290 miles. All of that is done by the railroads to absolutely kill water transportation on the inland streams of the country, and it has done it, and we as the American Congress, representing the whole American people, have sat here for 30 years and permitted the railroads to tax interior points in order to kill water competition at water-competitive points. The great Erie Canal is dead as an instrumentality of transportation. The Mississippi River from Memphis down to the Gulf might just as well be a sand stream as a water stream. I was on its bosom for two days and I did not see a load of goods going from St. Louis to Memphis, while I saw thousands of saw logs hauled by railway along the very side of the river.

We spend hundreds of millions of dollars to improve the Mississippi and yet let the railroads tax the interior points in order to reduce their rates at water competitive points, and so prevent any traffic on the river. Thirty years ago there were great freight carriers on the Mississippi; and what did the railroads do? Having all of the interior points to draw from, they put a freight rate on cotton from Memphis to New Orleans, 500 miles away, of 50 cents a bale, while they charge in cases where there is no river or water line, as from Corsicana to Galveston, \$2.55 for 250 miles. Years ago, when boats were plying the Mississippi and hauling cotton, the roads reduced the rate to 50 cents a bale on cotton, and in like proportion on other freight, until they drove the freight off the river; and they still keep it low in order to prevent a reinstallation of boats on the river. If our cities on the Mississippi River and on the coast rightly understood even their own interest they would be content with the advantage that God has given them and not seek to destroy that great opportunity for cheap transportation that nature gave our country in giving us our inland waterways; and we, the Congress, ought to see to it that the inland waterways of this country are utilized; and this will never be done until you get an amendment like the Hayden amendment, which forbids railroads to tax interior points to enable them to lower freight rates to water-competitive points and drive freight off the waterways of the country. It is so plain, it is so clear, that how any man looking at the interest of the whole country and voting for the expenditure of millions of dollars can fail to see it I do not understand. We ought to adopt the Hayden amendment. [Applause.]

Mr. HUMPHREYS. Mr. Chairman, I am in favor of the substitute offered by the gentleman from Arizona [Mr. HAYDEN]. We had a good deal of talk yesterday about the scarcity of cars out in Texas and in Illinois. The railroads were unable to furnish the cars to attend to the necessary public business, to the extent that many millions of bushels of wheat were going to destruction because the railroads were using their cars in an effort to haul the freight that the rivers ought to be hauling. If the Interstate Commerce Commission is given any discretion in the matter they will in the future, as they have done in the past, permit the railroads to destroy transportation by water. They have full power now in the matter, yet they agree that the railroads can make preferential rates at various river towns to such an extent as to destroy traffic on the river; and for that reason I am in favor of the substitute of the gentleman from Arizona, because it does not leave them any discretion at all. [Applause.]

It at least lays down as a fundamental law that they shall not permit the railroads to carry traffic as they do. For instance, in the town I live in, my town enjoys this preferential rate; they bring freight from St. Louis down to West Point, Miss., and then entirely across the State to Greenville for less than they will bring it from St. Louis over the same road to West Point. There is a hundred and odd miles that they haul that freight over for less than they would haul it to West Point. That is an economic waste. If they make a profit on the freight they bring to Greenville from St. Louis through West Point, then they are charging too much to the people of West Point, a hundred and odd miles away, through which town they pass. If they are not making a profit on what they haul to Greenville, then they are making up that loss by overcharging the people in West Point. That ought not to be permitted, but it will be permitted just as long as the Interstate Commerce Commission is given any discretion in the matter. The only possible way for the people who do not live on the banks of rivers to get any benefit from river improvement, from the money taken out of the common Treasury to improve the rivers, is to forbid the Interstate Commerce Commission to give these preferential rates, and thereby prevent river transportation, and then levy an additional tax upon the citizens who live off of these rivers in the form of higher rail rates. The people who do not live on the banks of the rivers, or where they can get the river

transportation, would be better off if the Government refused absolutely to appropriate any money to improve any navigable waters, because they must pay their part of the tax, and the only result is that the railroads give these river competitive points preferential rates so low that they have to raise the rates on the rest of the people. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. ESCH. Mr. Chairman, I trust that the membership of the House will appreciate the force and effect of the amendment offered by the gentleman from Arizona [Mr. HAYDEN]. It is the same as the Poindexter bill, and its purpose is to take away discretion from the Interstate Commerce Commission to permit deviations from the fourth section. The result will be that the railroad traffic between competitive points will inevitably follow the shortest line. There are some situations throughout the United States, not confined to intermountain country but in the more thickly settled East, where one line is shorter than another. If we have a rigid fourth section it will result in throwing the traffic upon the shortest route. If you do that you add to the congestion in our terminals, and it is to avoid congestion that we are trying to relieve the situation.

One of the most complicated propositions of Federal control during the war was to avoid congestion at our terminals. This rigid fourth section under the amendment of the gentleman from Arizona will add greatly to the congestion of the traffic in certain centers of the United States. That is not all. If you compel traffic to follow the shorter line it will have to leave the more circuitous route. If it leaves it this circuitous route will get less of revenue, it will be harder for it to survive, and it will be a mighty easy way of killing the weaker lines, whereas under the fourth section as administered by the Interstate Commerce Commission with the right to allow departures the commission can permit a circuitous route to get a certain portion of the traffic to enable it to live and supply the villages and towns along its route. I take this position, that a rigid fourth section would be more revolutionary to the commerce of the United States than a flat increase of 25 per cent. Business is established in certain centers and with reference to certain traffic conditions. If you put in a rigid fourth section then these conditions would be undermined and the business throughout the East and manufacturing centers would be shaken to their very foundation. Gentlemen, this is a serious proposition, and I hope you will realize what a rigid fourth section means put into this bill by way of amendment. Then there is a situation as to water competition referred to in the amendment of the gentleman from Tennessee, not to allow departures because of potential or direct water competition. Gentlemen, for the last five years the Interstate Commerce Commission has not been allowing departures because of potential water competition, only because of direct competition, and it has allowed that in connection with our coast-to-coast traffic. Let me give you an illustration from the western country. Here is the Southern Pacific Railroad which has a line running from San Francisco to Portland, Oreg. It has water competition along the coast. In order to meet that competition it has secured a rate from San Francisco to Portland that will enable it to get traffic. If it does not get such rate, if it can not meet water competition along the Pacific coast, it loses the through business from San Francisco to Portland. But under this rule allowing departures under the fourth section the freight rate from San Francisco to Eugene or Corvallis, in Oregon, south of Portland, is allowed to be made equal to the Portland rate, although that would mean that for a less distance the railroad charged the same as for a greater distance. And the people of Eugene and of Corvallis seem satisfied, because they say, "Unless we pay those rates the road can not maintain its existence and make its revenues and meet the water competition on the Pacific coast." This is but one of the numerous illustrations that could be cited.

Mr. RAKER. Will the gentleman yield?

Mr. ESCH. Not right now. I warn the representatives of the intermountain country that if a rigid fourth section is adopted they will have a larger freight burden put upon them than if the Interstate Commerce Commission be permitted to grant departures from a rigid fourth section. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired; all time has expired. The question is on the substitute offered by the gentleman from Arizona [Mr. HAYDEN].

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. HAYDEN. I ask for a division, Mr. Chairman.

The committee divided; and there were—ayes 50, yeas 97. So the substitute was rejected.

The CHAIRMAN. The question is now on the amendment of the gentleman from Tennessee [Mr. SIMS].

The question was taken, and the Chair announced that the noes appeared to have it.

Mr. SIMS. Division, Mr. Chairman.

The committee divided; and there were—ayes 65, noes 101. So the amendment was rejected.

Mr. SMALL. Mr. Chairman, I ask unanimous consent that the amendment I offered and is pending be now read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SMALL: Page 55, after line 13 insert a new paragraph to section 4 of the commerce act to be known as (3):

"Where there is an existing line of water transportation, or one is proposed to be immediately established, it shall be unlawful for any railroad which operates between points competitive to said water line to reduce its existing rates with a view to meeting the difference between water rates and the rail rates, unless after full hearing the commission shall find that such reduction of rail rates is justified in the public interest. In determining the question of public interest the commission shall consider the rates charged by the water line as presumptively reasonable and shall also consider the advisability or necessity of maintaining increased facilities of transportation: And provided further, That the commission shall not permit any railroad to reduce its existing rates as between points competitive with the water line or lines unless such railroad maintain such reduced rates as the maximum at all intermediate points on all its lines between the points of origin and destination: And provided further, That the provisions of this section shall have no application to commerce through the Panama Canal."

The CHAIRMAN. The question is on the amendment of the gentleman from North Carolina [Mr. SMALL].

The question was taken, and the Chair announced that the noes seemed to have it.

On a division (demanded by Mr. SMALL), the committee divided, and there were—ayes 60, noes 92.

So the amendment was rejected.

The Clerk read as follows:

Sec. 407. The first paragraph of section 5 of the commerce act is hereby amended to read as follows:

"Sec. 5. (1) That, except upon specific approval by order of the commission as in this section provided, and except as provided in paragraph (15) of section 1 of this act, it shall be unlawful for any common carrier subject to this act to enter into any contract, agreement, or combination with any other common carrier or carriers for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof; and in any case of an agreement for the pooling of freights as aforesaid each day of its continuance shall be deemed a separate offense: Provided, That whenever the commission is of opinion, after hearing upon application of any carrier or carriers, engaged in the transportation of passengers or property, subject to this act, or upon its own initiative, that the unification, consolidation, or merger by purchase, lease, stock control, or in any other way, similar or dissimilar, of two or more such carriers subject to this act, or of the ownership or operation of their properties, or of designated portions thereof, or that the pooling of their traffic, earnings, or facilities, to the extent indicated by the commission, will be in the interest of better service to the public, or economy in operation, or otherwise of advantage to the convenience and commerce of the people, the commission shall have authority by order to approve and authorize such unification, consolidation, merger, or pooling, under such rules and regulations, and for such consideration as between such carriers and upon such terms and conditions, as shall be found by the commission to be just and reasonable in the premises. The power and authority of the commission to approve and authorize the unification, consolidation, or merger of two or more carriers shall extend and apply to the unification, consolidation, or merger of four express companies into the American Railway Express Co., a Delaware corporation, if application for such approval and authority is made to the commission within 30 days after the passage of this amendatory act; and pending the decision of the commission such unification, consolidation, or merger shall not be dissolved.

"(2) The commission may from time to time, for good cause shown, make such supplemental orders in the premises as it may deem necessary or appropriate, and may by any such supplemental order modify or set aside the provisions of any previous order as to the extent of the pooling, or as to the rules, regulations, terms, conditions, or consideration currently moving in respect of any unification or consolidation of operation and not of ownership, or of pooling, so theretofore approved and authorized.

"(3) The carriers affected by any such order shall be, and they are hereby, relieved from the operation of the 'antitrust laws,' as designated in section 1 of the act approved October 15, 1914, entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' and of all other restraints or prohibitions by law, in so far as may be necessary to enable them to effect any unification, consolidation, merger, or pooling so approved by order under and pursuant to the foregoing provisions of this section."

Mr. SIMS. Mr. Chairman, I move to strike out the entire section.

Mr. HUDSPETH. Mr. Chairman, would a substitute be in order?

The CHAIRMAN. Does the gentleman from Tennessee desire to discuss the motion?

Mr. SIMS. I do.

Mr. HUDSPETH. Mr. Chairman, I have a substitute.

Mr. TOWNER. I desire to offer a preferential motion for the purpose of perfecting the paragraph.

The CHAIRMAN. The preferential motion will be voted on first. The gentleman from Tennessee [Mr. SIMS] can discuss his motion.

Mr. HUDSPETH. I have a substitute, Mr. Chairman.

Mr. SIMS. Mr. Chairman and gentlemen of the committee, this entire section should be voted out. It provides, first, for consolidation or mergers of existing competing railroads upon the approval of the Interstate Commerce Commission. Next, it provides for the pooling of earnings of competitive roads upon the consent of the Interstate Commerce Commission, and also for the pooling of facilities. And it winds up by repealing part of the Sherman antitrust law, which both Republicans and Democrats have so long regarded as political gospel.

Now, the bill begins, first, by allowing private companies to merge. This can not be done under existing law. The law against mergers has been decided favorably in several cases by the Supreme Court of the United States. This section repeals or nullifies the action of the Supreme Court in the Northern Securities case. It repeals or nullifies the decision of the Supreme Court in the Union Pacific case, which had consolidated with the Southern Pacific. It repeals what was necessarily required to be done as a result of the decision of the Supreme Court when the Pennsylvania Railroad Co., which owned almost the majority stock of the Baltimore & Ohio, had to dispose of it as best it could. The eggs of these several mergers had to be unscrambled. Now, after three great history-making decisions of the Supreme Court, sustaining the power of Congress and the wisdom of the policy adopted, forbidding private competing railroad companies to consolidate or merge or pool their earnings, we have a special statute as to pooling, that of specifically prohibiting it. I want to ask both Republicans and Democrats, Why do you desire upon the return of the railroads to their former condition and status, not only to their former condition and status as to physical condition, but providing for refunding their existing indebtedness to the Government and for loaning them any additional funds they may need, also to provide them with a statutory rule for rate making, so much desired by them, and in addition say, "God bless you; we will repeal and repudiate everything we have ever done heretofore that did have a tendency to bring about competition, or in any way had a tendency to prevent monopolistic combinations and consolidations."

The railroads admit there is practically no competition in rates now but claim there is competition in service. Now, you propose to get rid of even that little competition by allowing those who do now compete to consolidate and get rid of even having to be competitive in service.

Now, do you propose to turn over to the Interstate Commerce Commission or the President of the United States or anybody else discretionary power to annul long-established and approved American policy, upheld by decision after decision of the Supreme Court, by vote after vote in this body, and by acts of Congress too numerous to mention in detail? Because of war necessities it was thought proper and wise to temporarily take over and use the railroads for war purposes, paying them the highest compensation as a rental for the use of their property that upon an average they were able to make for themselves in the first three years of their existence.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. SIMS. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. SIMS. My friends, let us do justice to the railroads, but let us also do justice to the people, the people who have got by taxes to provide the money needed for these refundings and loans and other financial favors. The people seemed too anxious to give the railroads back to their owners, but under former conditions, and these conditions meant with former limitations, with former regulations, with former antitrust laws, with the old antipooling laws. But, no, they are in the saddle, or are assumed to be. Give a railroad an inch and it takes an "el," or it wants to take it. Are you going to bow down and worship the god of monopoly and wipe out all the good laws that it has taken years to enact and which was brought about by the votes of both sides of the House? Do you want to bring Government ownership to this country? If not, then do not do the very thing that forces the country to Government ownership. Do not give the roads who pretend to be competitively operated for the benefit of the whole people the right to get rid of the little service competition that is left.

Gentlemen were talking about the Baltimore & Ohio having the use of the Pennsylvania Tunnel under the Hudson River since war control. I was here when Congress passed the bill that authorized that tunnel for the Pennsylvania road to be built under the Hudson River. Did any Member or Senator from

Baltimore or Maryland propose that the privilege of tunneling the Hudson River should carry with it the condition that any other railroad wanting to use that tube would have the right to do so upon the payment of just compensation? Did the Representatives from New York in this House or in the State legislature propose any conditions to be imposed on that railroad company as to joint use of that tunnel? Did New York City in giving its consent provide that it should be permitted, upon conditions, that it should be subject to the use of any other railroad building its lines to and connecting with it upon just and reasonable compensation? Not a bit of it. The Pennsylvania Railroad seemed to have more influence in Congress at that time than any other interest in the whole United States. I tackled it when we were enacting legislation for building the Union Station here. I did my best in that legislation to give all railroads a fair provision for joint use of these terminals, inasmuch as we were paying millions of dollars out of the Public Treasury to bring about the abolition of grade crossings and permitting the tunneling of this Capitol Hill. I would rather have gone up against the whole united Republican Party strength in Congress at that time than against the influence of the Pennsylvania Railroad. I would have lost either way, as the House was overwhelmingly Republican. But when we finally had war control, temporarily, under the war powers, Secretary McAdoo ordered the Baltimore & Ohio trains to go through that tunnel, and they went.

Why did not Congress have the nerve to do it, as it had the right and power to do when authority for the building of that tunnel was asked for? Corporate influence has always had great power in Congress. They usually get everything they want and as long as they want it and as much as they want. Mr. Cowherd, of Missouri, an able man, then a Member of this House, and I filed a minority report and resisted to the last giving the railroads all they asked for, and especially in permitting the Pennsylvania to build a new bridge across the Potomac to take the place of the old Long Bridge and relieving it from the perpetual obligation to maintain a highway bridge across the Potomac for the use of the general public free of tolls in connection with and as part of its railroad bridge, which it was by law required to do in connection with its permission to use and operate the old Long Bridge, as it was called. But, with all the power we could exert in opposition, the Pennsylvania got all it asked for from the then complacent and yielding Congress; but I had supposed such complacency was a thing of the past. But, alas! and alas! history repeats itself.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. WINSLOW rose.

Mr. HUDSPETH. Mr. Chairman, I have a perfecting amendment to offer.

Mr. MCCLINTIC. Mr. Chairman, I have a perfecting amendment.

The CHAIRMAN. The Chair will recognize the gentleman from Massachusetts, a member of the committee.

Mr. WINSLOW. Mr. Chairman, I feel that the gentleman from Tennessee [Mr. SIMS] in discussing this question has been living too much in the past. We have had great changes in the country in recent years, and from these changes we have learned new lessons. Changed conditions have sprung up, and more will probably arise hereafter.

We had presented to our committee some five or six plans suggesting legislation and bills for legislation. If my memory is accurate—and I hope it is—every one of them provided for some such provision as the one under discussion, speaking generally. There was very little opposition to the idea of this pooling arrangement. It came out in the testimony which was given to us that this country is honeycombed with roads of doubtful financial standing. That became apparent when the Government took over the control of the railroads as a war measure. We have laid out a plan of refunding which amounts in the case of many of them to the application of compound oxygen. But they can not live on oxygen alone. Its effect would wear out, and I have no hesitation in predicting that a great many of the roads of the country will have to be handled in some way other than by virtue of their own direction and their own power. A poorly managed and poorly operated railroad is a trouble to all the community which it seeks to serve.

It seems to me the opinion of the railroad men, and particularly the opinion of men connected with the smaller, weaker lines, of which there are many hundreds among the 2,000 railroads in the country, that their roads can be hitched on to a bigger system with the result that their stockholders will be saved in some measure in respect of their investment, and their clients will be better served, and the whole system of railroading will be improved. The question of cost of service may be

problematical. One never can tell when a combination comes into force whether the cost of doing business will be more or less. But in this railroad proposition it seems to be quite apparent that where railroads have been brought together and doubtful lines have been hitched on to strong ones, no increases of service costs have been made, and many times such costs have been reduced. But even if continued at the same cost to the public, the advantage of being in connection with a good sound system which can be run along in a businesslike way would clearly be a great benefit to the public.

I do not think we will be breaking down the spirit of the antitrust laws if we legislate as provided in this bill. Mergers and pooling can not be arranged unless approved by the Interstate Commerce Commission after hearings, where the community at large and everybody in interest will have an opportunity to be heard. I would consequently suggest to the members of this committee that they consider very carefully the merits of this provision, with a view to making the best railroad establishment possible for the country and providing means for taking care of so many of these weak roads, which will either have to be taken up and cared for or will have to go to pieces.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. SANDERS of Indiana, Mr. HUDSPETH, and Mr. TOWNER rose.

The CHAIRMAN. The gentleman from Indiana [Mr. SANDERS] is recognized.

Mr. SANDERS of Indiana. Mr. Chairman, I move to strike out the last word in the amendment of the gentleman from Tennessee [Mr. SIMS].

I believe that the provisions of this section constitute one of the very best parts of the reconstruction legislation. It was generally conceded throughout the country at the time this country engaged in war and at the time the President of the United States, under the authority granted to him, took over the transportation systems of the country that if it had not been for the restrictions placed upon the carriers, so that unified action could be had by the carriers themselves, the great necessity of taking over the carriers under Government control would not have existed. The operation of the roads under Federal control brought out some of the great disadvantages of control by the Government, but it also brought out clearly some advantages of such unified control; and when we are enacting this legislation, to bring back the roads under private control, we ought to be careful to keep as a part of the laws of this country all of the benefits which can be gained by unified control. There is nothing in this section which could work to the harm of the public, because it is not a grant of any absolute right of the privilege of merger. It only provides that whenever it is in the interest of better service to the public or economy in operation, or otherwise of advantage to the convenience and commerce of the people, that it shall be done. That is the answer to the suggestion of the gentleman from Tennessee, that it is wiping out all of the provisions of the antitrust laws. It is simply a permissive merger, a consolidation whenever in the opinion of the tribunal clothed with the authority of the Government to act in the premises it is found to be beneficial to the Government. It is not to be assumed that the Interstate Commerce Commission will permit a merger which will not be to the benefit of the public, when the mandate in the law says to the commission that it can only be permitted when it is of advantage to the public.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. SANDERS of Indiana. I yield to the gentleman from Virginia.

Mr. MOORE of Virginia. The gentleman knows, does he not, that the commission itself is of the opinion that it is very desirable to confer this power upon it?

Mr. SANDERS of Indiana. I am glad the gentleman from Virginia called my attention to that. Mr. Commissioner Clark, testifying before our committee, made this statement with reference to the change in the law:

This provision, Mr. Chairman, involves a substantial change in the governmental policy and would effect a substantial change in the policy of some of the States with regard to maintenance of every degree and feature of competition which is fostered by existing laws. It would make possible under private control and operation of the roads the utilization of many economies which would be possible under a unified control or the operation of all the roads as one system.

Two competing single-track lines between two important commercial centers might, under an arrangement made pursuant to this authority, be used as a double-track road for the carriage of through freight and for through-passenger service as well. Two single-track roads of that nature, or even a double-track road and a single-track road, one of which had adverse grades against the current of traffic and the other had them in the opposite direction, might be utilized to great economy by obviating the necessity of lifting the tonnage over the adverse grade. That would be especially true, for example, on roads moving a large tonnage of coal. The loads could be taken over the easier grade and the

empties taken back, with neither of them meeting the difficulties of the adverse grades.

There are many other considerations which move to the view that this would be a sound departure from present policy. Consolidations for operation and division of the traffic made under careful, reasonable, and open arrangements, approved by the commission, are not, as we think, antagonistic to the public interest, while it is to the public interest that every reasonable economy in operation shall be effected, because the expenses of operation must all be paid by the public.

That is the statement of Commissioner Clark on the subject, and he is, without question, one of the best authorities in America on any transportation problem. [Applause.]

Mr. TOWNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TOWNER: Page 56, line 19, after the word "premises" strike out the period, insert a colon, and add the following:

"Provided, however, That notice of the hearing above provided for shall be given by the commission by publication in a newspaper of general circulation in each State in which any carrier affected thereby shall be located, at least 10 days before such hearing, fixing the time and place of such hearing, at which hearing the United States, any State, association of carriers, or the public may appear and be heard as to the granting of the proposed order of unification, consolidation, or merger."

Mr. TOWNER. Mr. Chairman, this is an amendment merely for the purpose of perfecting this section. I can think of no objection which could be made to it by the committee. Members of the committee will understand that the provisions regarding any action by the Interstate Commerce Commission as to any consolidation or merger shall be taken as the language of the provision is "after hearing." Now, there is no provision with regard to notice of such hearing. There is no statement as to who has the right to appear at such hearing. This amendment which I have offered provides that notice shall be given so that any person whose interests may be affected may have knowledge that such hearing is to be granted. It also provides that the United States, if its interests shall be affected, or any State, or any association of carriers, or the public, shall have the right to appear at such hearing and either oppose or modify, or make such showing as they desire.

Mr. DICKINSON of Missouri. Will the gentleman allow me to ask him a question?

Mr. TOWNER. I gladly yield.

Mr. DICKINSON of Missouri. Is not your time of notice, 10 days, too short? Ought it not to be longer, say 30 days?

Mr. TOWNER. I have made the time short because of the fact that in certain cases I suppose that haste may be needed, and I thought that if this notice was given in this way, throughout the entire section, or through all of the States in which the railroad ran, it would be sufficient notice; and, of course, as the gentleman from Missouri well knows, if the parties having notice of the fact of the hearing should desire further time it will be granted.

Mr. MONTAGUE. Will the gentleman yield?

Mr. TOWNER. I yield to the gentleman from Virginia.

Mr. MONTAGUE. I will ask the gentleman what is the necessity or desirability of having the United States a party? It is before a tribunal of the United States.

Mr. TOWNER. It does not require the United States to be a party. It only gives the United States the right to appear if it desires to do so.

Mr. MONTAGUE. Does not the gentleman think there would be one trouble with the Interstate Commerce Commission, in making it analogous to a court, of having too much procedure and having too much loss of time?

Mr. TOWNER. I do not think that can be a reason why notice should not be given. I think the reason will appeal to the gentleman. In the first place provision is made for a hearing. Now, if the hearing shall be only between the roads affected thereby, and if the public is not given an opportunity, and shippers are not given an opportunity to be heard, it will only delay the final proceeding.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWNER. I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. TOWNER. Because of the fact that an application will be made to set aside the hearing, and for a chance to be heard regarding it, I think the provision for notice will save the time of the Interstate Commerce Commission, the carriers, and others affected by the result. If they have no notice whatever of the hearing and no opportunity to be heard, it will, in my judgment, prove very unfortunate in many respects.

This proposition to set aside the established rule with regard to pooling, and with regard to consolidations and mergers, is certainly of sufficient importance so that if a hearing is to be granted at all it should be upon such notice and with such privilege of being heard as will make the final determination, at least, not subject to the criticism that the parties did not have an opportunity to be heard.

Mr. ESCH. Mr. Chairman, I do not know as I will object to having the hearing conducted in accordance with the suggestions in the amendment, but it occurs to me the amendment is broad enough to cover questions in relation to the pooling of traffic, and it is easy to conceive that such pooling ought to be expeditiously done in order to meet certain conditions of certain kinds of traffic, seasonable traffic, and things of that kind. To strait-lace the proposition by requiring notice to be given to all parties in interest might be one of the things that would take out of this section some of the merits that we believe are contained therein.

The CHAIRMAN (Mr. MADDEN). The question is on the amendment offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. Esch) there were—ayes 27, noes 38.

So the amendment was rejected.

Mr. McCLINTIC. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. McCLINTIC: Page 57, line 4, after the word "dissolved," insert "provided that nothing in this act shall take from State commissions jurisdiction over the settlement of questions relating to the joint use of depots by carriers, and no carrier shall be allowed to discontinue the use of a depot in connection with another carrier until proper application has been made and approved by the commission having jurisdiction."

Mr. ESCH. Mr. Chairman, I make a point of order against the amendment, because it is the identical proposition that has been acted upon, and I also make the point of order that it is not germane to the paragraph in this section.

The CHAIRMAN. Does the gentleman from Oklahoma want to be heard on the point of order?

Mr. McCLINTIC. Yes, Mr. Chairman. The other amendment I offered conferred jurisdiction on the Interstate Commerce Commission. When I offered that amendment the chairman of this committee stated that, in his opinion, the State commission had jurisdiction over the joint use of depots. That being his understanding, I immediately asked unanimous consent to withdraw the amendment, as I am in favor of giving to the State commissions jurisdiction over these questions which are nearest to the people.

The section says:

That whenever the commission is of opinion, after hearing, upon application of any carrier or carriers, engaged in the transportation of passengers or property.

That being the case, an amendment to this section would be germane, because it is an amendment that deals with the carrying of passengers. The friends of all State commissions are interested in knowing whether or not they have jurisdiction over the question that I have brought to the attention of the House. It is for that reason that I have offered this amendment. If the language of this section which refers to carriers means anything at all, then the amendment to the section would be germane which deals with railroad stations and depots. That being the case, I can not see how the chairman could rule that an amendment of this kind would be out of order when it relates directly to the subject matter of the section.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HUDSPETH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend page 57, line 23, by striking out the period and inserting a semicolon and the following: "provided that nothing in this act shall relieve or exempt any carrier or express company from obedience to the constitution and antitrust laws of the State of its creation, or in which it may operate."

Mr. SANDERS of Indiana. Mr. Chairman, I always enjoy hearing an argument from the gentleman from Texas [Mr. HUDSPETH], and particularly when the question involves what he construes to be an invasion of State rights. He has made reference to some testimony here when Mr. Wheeler, of the Chamber of Commerce of the United States, was on the stand. Mr. Wheeler was advocating Federal incorporation. In the very able speech made by the chairman of this committee at the beginning of the consideration of this measure it was stated by him that our committee had rejected Federal incorporation entirely, and the reason that those questions were asked Mr. Wheeler was for the purpose of disclosing the fact that the real reason and the real desire on the part of those advocating

Federal incorporation was to have a Federal corporation in order that all of the States' rights in respect to rates, and so forth, might be obliterated.

The gentleman from Texas grows very eloquent upon the question of granting to the Interstate Commerce Commission the control of rates. There is not anything in this provision with reference to rates, and the gentleman ought to be aware of the fact that the Interstate Commerce Commission has charge only of interstate rates.

Mr. HUDSPETH. The gentleman will not deny that in the bill there is a question as to whether or not the State commissions can make rates intrastate.

Mr. SANDERS of Indiana. There is no question about the right of the States to regulate intrastate rates.

Mr. HUDSPETH. In this bill there is a question of merger and consolidation.

Mr. SANDERS of Indiana. Upon the question of merger and consolidation this provision of law is simply to permit the unified control of the transportation systems of the country, whenever that is desirable in the public interest. The railroads of the country are not confined to any one State. All of the railroads in Texas are under corporations organized in Texas.

Mr. HUDSPETH. All except the Texas & Pacific, which is organized under the laws of the State of New Jersey.

Mr. SANDERS of Indiana. And I think that technically, so far as it relates to Texas, that railroad is incorporated under the Texas law. But because of that fact, that does not affect the question of interstate commerce. That great State is pierced by roads running from every other State in the Union, carrying freight and passengers into it. This great transportation question is not a State question. It is a national question, and the question of unified control of our transportation system so far as it relates to emergencies and the pooling of traffic and earnings and other facilities is a national question entirely. Is it possible that the gentleman from Texas would say that you can not undertake to permit a merger or a consolidation or a joint agreement with reference to roads that run through the State of Texas and run across the continent? If you find that road is going to pierce the State of Texas, everything must be stopped because of some law in the State of Texas.

Mr. HUDSPETH. My amendment does not prohibit that. It simply makes them observe obedience to the laws of the States with reference to these matters in the States.

Mr. SANDERS of Indiana. In other words, the gentleman would have the roads go to the Interstate Commerce Commission, present their case, get consent of the commission, and then, perchance, because the lines cross the State of Texas, all of these questions of operation will have to be held up, all of the arrangements would have to be stopped until these railroads from the several States went down to the State of Texas and got the consent of the Texas Legislature, or the Texas commission, whichever it is. The gentleman has spoken frequently of the people in Texas being compelled to come to Washington for relief, and yet he advocates with great earnestness a situation that would compel practically all of the States and the carriers in the different States to go to Texas because the road in some way affected the State of Texas. I think the amendment ought to be defeated. [Applause.]

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. RICKETTS. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Ohio.

Mr. RICKETTS. Mr. Chairman and gentlemen of the committee, I am opposed to the amendment offered by the gentleman from Washington [Mr. WEBSTER] and will vote against it. I shall vote for what is known as the Sweet amendment, introduced by the gentleman from Minnesota [Mr. ANDERSON].

The amendment of the gentleman from Washington, if adopted, would strip labor of the last vestige of defense in the enforcement of its rights. It would bind labor hand and foot. It would hang a millstone about the neck of labor which would most certainly eventually drag it down to the level of slavery. It would destroy the principle of collective bargaining and force compulsory arbitration.

I have the honor to represent a constituency consisting in part of several hundred railway employees. I know many of them personally and all of them in a general way. They are honest, sincere, and industrious. Many of them own their own homes. They are true and loyal American citizens in every sense of the word, and I shall not vote for any legislation in this House that, in my judgment, will imperil their future in any manner whatsoever.

Gentlemen, there is an erroneous opinion prevalent throughout this country with reference to the right to strike. That greatest of great Americans, the late beloved and revered President Theodore Roosevelt, in his message to Congress on March 25, 1908, among other things, said:

It is important that we should encourage trade agreements between employer and employee where they are just and fair. A strike is a clumsy weapon for righting wrongs done to labor, and we should extend, so far as possible the process of conciliation and arbitration as a substitute for strikes. Moreover, violence, disorder, and coercion, when committed in connection with strikes, should be as promptly and as sternly repressed as when committed in any other connection. But strikes themselves are, and should be, recognized to be entirely legal. Combinations of workmen have a peculiar reason for their existence. The very wealthy individual employer, and still more the very wealthy corporation, stand at an enormous advantage when compared to the individual workingman; and while there are many cases where it may not be necessary for laborers to form a union, in many other cases it is indispensable, for otherwise the thousands of small units, the thousands of individual workmen, will be left helpless in their dealings with the one big unit, the big individual or corporate employer.

Twenty-two years ago, by the act of June 29, 1886, trades unions were recognized by law, and the right of laboring people to combine for all lawful purposes was formally recognized, this right including combination for mutual protection and benefits, the regulation of wages, hours, and conditions of labor, and the protection of the individual rights of the workmen in the prosecution of their trade or trades; and in the act of June 1, 1898, strikes were recognized as legal.

President Roosevelt always showed sympathetic interest in the welfare of the wage earner. He believed in justice to all mankind, and I think that is the feeling of every Member of this House. Justice and fair dealing to the laboring men of this country would go a long way toward eliminating forever any such a thing as a strike.

Why is it that John D. Rockefeller, jr., who employs hundreds of laboring men constantly, never has any trouble in adjusting wage differences between him and his men? It is because he is big enough, broad enough, and fair enough, to give to his men a fair wage, commensurate to the service rendered.

Why was it that the late Senator Hanna, in his lifetime, never had a strike among his men? It was because he too was big enough, and broad enough, and fair enough to give to his employees a just wage. [Applause.]

I want it distinctly understood that I have no respect for the agitator, or the Bolshevik, or the soviet, or the I. W. W. If I had my way about it, I would either deport every one of them, or send them to the penitentiary for life. There should be no red tape in dealing with foreign agitators, who are entirely out of sympathy with American thought, who take advantage of our liberty only for the purpose of destroying it. [Applause.]

I am opposed to radicalism, but I do most solemnly believe in conservatism, and the conservative laboring men of this country should be protected by the strong arm of the law. I believe in voluntary arbitration and conciliation, and that the right to strike should be exercised only as a last resort.

I further believe it to be the solemn duty of union labor to keep its contracts, and to see to it that the terms and conditions thereof are fully carried out.

However, I am convinced that the criticisms lodged against the brotherhoods of railway men, and members of the railway union organization, that they have broken their contracts and gone on strikes without any reason or excuse, is absolutely unfounded. They keep their contracts, and live up to the terms thereof, and I resent most keenly such criticisms.

No more loyal or patriotic men ever lived than the railroad men have been during the Great World War. They have not murmured or complained, but they have been willing to do all within their power to promote the cause of this Government, and to minister to the wants of the people generally, in discharging their duties in relation to the great railroad systems of this country. Their work is hazardous, and their responsibility is great. In fact, no class of men employed in any line of labor anywhere in the country has a greater responsibility than the railroad men of the country.

Mr. Chairman and gentlemen of the House, for some time past I have been anxious to secure time to address you with reference to the coal miners.

In view of the fact that both the press of the country and a few Members upon the floor of this House have relentlessly criticized the coal miners of the country and imputed to them the commission of many unlawful acts, I feel that it is my duty as a Member of this House, who has the honor to represent several thousand coal miners in the counties of Perry and Hocking of the eleventh congressional district of Ohio, to present to this House some facts in relation to the present mining situation that have come under my own personal observation.

First, I want to say that many of the criticisms heaped upon the miners are unjustifiable and emanate from sources not in touch with mining conditions in this country. Before a man has the right to criticize his fellow men touching any industrial controversy he should be in possession of the facts necessary to a clear conception of the conditions surrounding such industrial controversy.

Very few men in public life understand miners, mine workers, and mining conditions. Fortunately for me, I have had a personal experience in the mine, and I know personally the mining conditions in the district which I have the honor to represent. I have no quarrel with the press or with any Member of this House who offers a just criticism, but, as one coming from a mining district and who as a boy was engaged in the mining industry, I would be doing violence to my conscience and to my constituency if I did not raise my voice and protest against any unjust criticism that may affect the reputation, thought, purpose, and ideals of the miners of this country. I am not personally in touch with mining conditions generally and am not therefore qualified to speak with reference to these matters from a personal standpoint, but I do know the miners and mining conditions of the district which I represent.

And I want to say further that both Perry and Hocking Counties, to which I have above referred as a part of the district which I have the honor to represent, are among the largest coal-producing counties in the great State of Ohio. Several thousand citizens of these two counties are engaged in the coal-mining industry.

There are, of course, some foreigners engaged in mining in the district, but my conservative judgment is that 90 per cent of the miners of the district are American citizens, many of whom own their own homes, and all of whom are honest and upright citizens, who stand firmly for American principles, who are loyal to American institutions, and who are willing to make any sacrifice that may be required of them to uphold, support, and maintain this American Government and all for which the American Government stands. During the Great War they subscribed cheerfully and liberally to each and all of the five bond issues floated by this Government in order to support and maintain the Government and the American Army. They oversubscribed the war chest and all other war activities. And, I am glad to say further, that the 10 per cent of foreigners engaged in this industry in my district were likewise patriotic and loyal to the American cause at the time of its greatest crisis. [Applause.]

These laboring men are 100 per cent American, and I am proud of every one of them. They are lovers of both home and country. They are devoted to their families. They have been truly patriotic in every particular. They believe in law and order. They are industrious and frugal and never miss a day's work when the mines are in operation. When the mines are idle they seek work in other lines, wherever they can obtain it, for the miner's income is such that he can not afford to be idle. They are compelled to work constantly in order to keep their families and maintain their households. I know from my own personal knowledge that during the past 10 years the miners of southeastern Ohio have only been employed a little more than half of the time. Everybody knows that the year 1917 was a banner year in mining operations, and the average time for each miner in Perry County, as shown by statistics, was 208 days in that year. The miners of Hocking County averaged about the same time.

Under an agreement made in New York City between the miners and operators, to take effect April 1, 1916, 64 cents per ton was agreed upon as the scale price for the pick miners. The machine miners were to receive 52 cents per ton, and the day laborers were to receive \$3 per day, and this agreement was to continue in full force and effect until April 1, 1918. In the meantime the war intervened. Operators found themselves losing their employees. Their men were either being drafted or enlisting in the Army or going into other industries. Something had to be done. The demand for coal had greatly increased, and labor was vitally important to the operators and mine owners. Consequently, a second agreement was made in New York City on April 16, 1917, between the miners and operators, under which an increase of 10 cents per ton was allowed to both pick and machine miners and the day laborers were increased 60 cents per day. This made the rate of mining coal then 74 cents per ton for pick mining, 62 cents per ton for machine mining, and \$3.60 per day for day labor.

In October, 1917, the United States Fuel Administration, the operators, and miners made a supplemental agreement in Washington, D. C., extending the time of the last contract to cover the period of the war, or not later than April 1, 1920, at which time pick miners and machine miners were each given a second increase of 10 cents per ton and the inside day

laborers were to receive \$5 per day. The outside day laborers received a less sum. Men of ordinary occupation received more than \$5 per day.

The following clause appears in the supplemental agreement made in Washington, D. C., in October, 1917:

This agreement is subject to and will become effective only on condition that the selling price of coal shall be advanced by the United States Government to cover the increased cost in the different districts affected, and will take effect on the first day of the pay period following the order advancing such increased price.

It is the claim of the miners and mine workers that under this clause of the supplemental agreement they were bound to carry out the wishes of the Government in relation to the mining of coal, but that the United States Fuel Administration abrogated the Government restriction as to the mining and sale of coal in February, 1919, and that the operators immediately advanced the price of coal and have required the miners to continue to mine coal at the same old price, without any increase whatsoever. The pick miners are to-day receiving 84 cents per ton. The machine miners are now receiving 72 cents per ton. The total increase to the pick miners since 1916 has been 20 per cent and 38 per cent to the machine miners, and the day men have received an increase of 68 per cent.

Now, then, the total cost of a ton of coal to the operators under the Government agreement, f. o. b. cars at the mine, was \$1.34, and the operators were given the right to sell that same coal at \$2.45 per ton f. o. b. cars at the mine.

The difference between the 84 cents per ton for pick mining and 72 cents per ton for machine mining and \$1.34 per ton represents the overhead charges paid by the operators for mining 1 ton of coal.

The operators were selling their coal in the markets in Indianapolis just prior to the strike on November 1, 1919, at \$6.50 per ton. Coal in the State of Ohio was selling in the market for the same price. I purchased 7 tons of coal from a jobber for domestic use in my own home in October of this year at 18 cents per bushel, which is \$4.50 per ton, and I am within 20 miles of the coal field.

The sentiment of the public is against the miners. They have been criticized severely by the public, but if the people will stop and consider, and use just a little elementary mathematics, they will discover that the coal miners of this country are not getting the money; that the high price of coal in the wholesale and retail market is not due to the price paid the miners for mining the coal, but that the operators and coal brokers are the profiteers in the premises. They are the fellows who are swelling their bank accounts. They are the men who are imbued with a greed for gold. Hundreds of men engaged in the coal business, who were comparatively poor prior to the war, are now immensely wealthy, but the coal miners of the country are still barely able to live. The high cost of living has almost crushed them. The profiteers of the country are reaping the greatest harvest in the history of the world, and they are responsible to a great extent for the agitation, the unrest, and the industrial disturbances of the country. [Applause.]

Mr. Palmer, the Attorney General, has stopped the strike of the coal miners by injunction, because it was a violation of law for the miners to strike at this time, and I fully agree that the strike at this time was in violation of law, but it is also a violation of law, under this same act, known as the Lever Food and Fuel Control Act, to profiteer, and I sincerely hope that the Attorney General will use the same vigilance in enforcing the law against the profiteers that he has used in enforcing the law against the miners. [Applause.]

The armistice was signed on November 11, 1918, and the mines throughout the country were immediately closed down, and for fully six months thereafter the miners were idle. Many of them—quite a large number of them—had purchased Liberty bonds on the installment plan, and by reason of this idleness were unable to meet their payments. They have simply lived from hand to mouth from that day until this. Why? Because the operators throughout the country decided to close down the mines after the armistice was signed and keep them closed until the surplus coal then on hand should be exhausted by consumption, and in this manner reestablish the high price for coal existing prior to the regulation of coal prices by the Government.

It should be borne in mind that under the contract which went into effect November 1, 1917, between the miners, operators, and the Fuel Administration on the part of the Government, the price to the miners for mining coal and to the operators for selling coal was fixed by Government regulation through the Fuel Administration.

In February, 1919, the Fuel Administration by proclamation abrogated all price restrictions. Notwithstanding this fact, the miners continued to mine coal for the price as fixed by the fuel administrator up to November 1 of this year, when the

strike was declared, while the operators continued to sell coal at such prices as they saw fit to fix.

As a general proposition, it is conceded that there are two sides to every question, and there are two sides to this question. However, the strike on November 1, 1919, was ill timed and ill advised, for, under the broad authority given to the President under the Constitution and the law of the land in war time, the late war is not at an end until the President issues a proclamation of peace. The President in his statement of October 2, 1919, among other things, said:

It is proposed to abrogate the agreement as to wages which was made with the sanction of the United States Fuel Administration, and which was to run during the continuance of the war, but not beyond April 1, 1920. This strike is proposed at a time when the Government is making the most earnest effort to reduce the cost of living and has appealed with success to other classes of workers to postpone similar disputes until a reasonable opportunity has been afforded for dealing with the cost of living.

The President further said:

The strike under these circumstances is not only unjustifiable, it is unlawful.

His conclusion is predicated upon an interpretation of the Lever food and fuel control act, which was passed by the Sixty-fifth Congress, which was a war measure, and I fully agree with the President that, under the provisions of that act, it would be unlawful to strike until peace was declared, or until the original contract between the miners, operators, and the Fuel Administration should end, on April 1, 1920. I can further understand clearly that the convention of the United Mine Workers of America, held in Cleveland, Ohio, on September 23, 1919, under a misapprehension of the law, declared that all contracts in the bituminous field should be declared as having automatically expired November 11, 1919.

Of course, the conclusion reached by the heads of the United Mine Workers of America in this convention was, no doubt, inspired by the late message of the President to Congress, requesting the lifting of the war-time prohibition ban on light wines and beers for the reason that the war was over. These conclusions in no way contradict, in the slightest degree, the right of the miners and mine workers to a fair and equitable adjustment of their rights, growing out of a disagreement between the miners and operators, as to the wage scale.

The capital of the wage earner is his labor. It is his stock in trade, and the source from which he receives his dividends, and the laborer is worthy of his hire. He is entitled to a just, fair, and reasonable compensation commensurate to the services rendered. The miners and mine workers are men engaged in honest toil, earning a living for themselves and their families by the honest sweat of an honest brow, and they are entitled to an honest return for the labor thus performed. The truth is that there should be more of a community of interest between capital and labor; that there should be more of good fellowship and a substantial brotherhood between them. [Applause.]

In the industrial affairs of this Nation three classes of people are equally concerned. First, capital; second, labor; and third, the general public. Capital can not accomplish anything without the assistance of labor. Labor can not exist without capital. And neither capital nor labor can succeed without the general public. Each is interdependent upon the other, and the time has come in the industrial affairs of this Nation when there should be a more definite and fixed understanding between these three classes of our citizenship.

Some people object to collective bargaining and deny the right to strike where a disagreement arises between the parties as to wages. Our distinguished and revered late President McKinley, our beloved and distinguished late President Theodore Roosevelt, our eminent and distinguished late Senator Hanna, and our present President Woodrow Wilson, with other great men of this Nation, as well as many prominent men of other nations, all recognize the principle of collective bargaining and the right to strike. The position taken by these eminent statesmen is supported by the act of June 29, 1886, in which trade-unions were recognized by law, and by the act of June 1, 1898, wherein strikes were recognized as legal. However, under present conditions, the right to strike should be carefully considered and cautiously exercised, in the interest of the people of our own Nation and in the interest of the welfare of this country at this critical time in our national history. This is a time, if there ever was a time, when the American people should be united.

Our citizenship is to-day divided into class organizations. We have the organization of capital, the organization of labor, the organization of farmers, the organization of mechanics, the organization of clerks, the organization of railway employees, the organization of Government employees, the organization of

dentists and physicians, the organization of teachers, the organization of undertakers and embalmers, the organization of barbers, the organization of bricklayers and masons, the organization of postal clerks and postal employees, and the carpenters' union. There are in all about 112 different organizations.

Of all the organizations above named, I am convinced that the employment of the miners is one of the most dangerous and hazardous occupations known to man. He is surrounded with danger upon every hand. Not only is this true, but his work is onerous and arduous. He comes out of the mine with his clothes wet and his body black with grease, dirt, and grime. Colds, pneumonia, and consumption are prevalent among the miners, by reason of their exposure, both in and out of the mine. I have seen them on their way home from the mine when their clothes were frozen on their bodies. Many of them work in water half knee-deep, and in foul and noxious air, and many times they are compelled to work in low coal, where they are compelled to double up like a jackknife.

They are always exposed to the danger of gas and dust explosions; to the falling of slate and coal; to drowning; to electrocution; to mine damps; to fire; and to being mangled by dangerous machinery. Yet many people think the coal miner has an easy task. The truth is, he takes his life in his hands the minute he enters the shaft or the mouth of the mine. His toil and labor and service is an industrial necessity. Without it, the whole industrial network of the country would be greatly imperiled. In performing his duty as an industrial factor, he is shut off from God's sunlight, from the sweet song of the birds, and from nature's refreshing air. His lot is, indeed, a hard one, and his annual income is meager, but he is one of the most important factors in the industrial world. I believe in fair play, both to capital, to labor, and to the people, and I am one Member of this House who will stand firmly at all times for a just, fair, and commensurate wage to the American miner and the American laborer. [Applause.]

Mr. O'CONNOR. Mr. Chairman and gentlemen of the committee, at the proper time, if some gentleman of the committee does not make the motion, I intend to move to recommit this bill. With all deference to the splendid gentlemen who served upon the committee so untiringly and so unceasingly, with all due respect to their patriotism and their desire to serve the public interests, I do not believe that this bill represents the best thought of that committee. I do not believe if it passes this House in its present shape that it would represent the best thought of this House. The bill is entirely too long to express any great governmental truth. You can stick the Lord's Prayer and the Sermon on the Mount in one of its paragraphs. I heard some one say here the other day that it came like Richard the Third into the world, untimely. There is no question that it was hurried in here under the extraordinary conditions that prevailed in this country, conditions that were accentuated and exaggerated so as to render and give them the appearance of turbulence, in order to hasten and bring about, in my judgment, an unfair judgment from this House. I do not believe that this condition would have ordinarily existed if it were not for the purpose of arousing a hostility which never should have been brought into existence at this time. I do not mean, Mr. Chairman and gentlemen of this committee, to compare the tremendous and dominating interests of this country to burglars, but I do know that years ago in the city of New Orleans when any big burglar stunt was to be pulled off it was the custom to set fire to the steamboats on the Mississippi River in order to detract attention from the fellows who wanted to break into the big jewelry stores and banks. It may not be an apt illustration, but when we view the conditions of the recent past and understand them, in all probability it was for the purpose of putting a whip upon the House, hurrying us beyond reason and judgment, and I felt that I should get on this floor and express myself in opposition to the further consideration of this bill. Mr. Chairman, in the desire of this committee—and I know it was conscientious, and I believe it was true to the lights it had before it on this subject—to avoid the whirls of Charybdis they have gone on the rocks of Scylla. In order to avoid Government ownership they have placed the railroad employees and all persons and activities interested, under the heels of the Interstate Commerce Commission. Why, I have heard men stand on this floor and speak as if it were necessary to adopt any measure, however tyrannical and unjust, oppressive and unfair, in order to escape Government ownership. One would believe that our schoolhouses, churches, and all institutions that make for liberty and freedom were about to go in the event such a thing as Government ownership came to pass in this country.

Why, if the people ever want it they ought to have it. It is their Government and their country and, right or wrong, they

are entitled to the instrumentalities they desire and to express their will industrially, commercially, and otherwise. [Applause.]

The CHAIRMAN. The time of the gentleman from Louisiana has expired; all time has expired.

Mr. HUDDLESTON. Mr. Chairman, I rise in opposition to the pro forma amendment.

The CHAIRMAN. The gentleman from Louisiana spoke in opposition to the pro forma amendment.

Mr. BRIGGS. Mr. Chairman, I move to strike out paragraph 3, page 57.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BRIGGS: Page 57, beginning with line 14, strike out all down to and including line 23, page 57.

Mr. BRIGGS. Mr. Chairman and gentlemen of the committee, there can be but one purpose, it seems to me, in putting this provision in the bill authorizing the suspension of the Sherman Antitrust Act by the Interstate Commerce Commission. It is to provide for the unification of all the railroad systems in the United States and to destroy the competition that has heretofore existed among those roads prior to the time that they went under Government control. And I think I am entitled to fairly conclude that because of the trend of the Interstate Commerce Committee's action as indicated throughout this whole bill. Everywhere it seeks to strike down the power of the States and place all the power of regulation in the hands of the Federal Government. The bill itself, in my opinion, is one that will not be accepted by the American people as a solution of these great railroad problems. And Members of Congress will yet hear from them when they learn that in this bill the railroads of this country are given a premium, a subsidy, to increase rates, instead of lowering them; that it takes away from the people of this country an opportunity to freely develop the vast areas that have no roads within them; that they can not even build a mile of interstate railroad without the consent of the Interstate Commerce Commission, with a tremendously complex and difficult means of approaching that end. This bill prohibits the States, apparently, from having scarcely any say so about the continued operation of the railroads, by saying that practically everything that touches and might be construed indirectly even, as affecting interstate commerce shall be under the control of the Federal Government. And to make it sure, the Sherman antitrust law is practically suspended at the will of the Interstate Commerce Commission.

That is what this statute does. It leaves no chance any more among the people to complain of roads that stifle competition.

The people are sick and tired of centralization of so much authority in Washington in many matters, but in none more than in the case of the railroads. Shippers, whether farmers, merchants, business men, or of whatever field of industry, can not come to Washington, or afford to employ others to do so, in order to appear before the Interstate Commerce Commission to secure relief or redress every time they encounter difficulties and trials in their relations with the railroads.

By far the greater part of the troubles which arise can be far better cared for by the State railroad commissions, with their intimate knowledge of local conditions, than will ever be possible through the medium of the Interstate Commerce Commission, with even the aid of examiners. Justice in many cases will never be dispensed, because of the expense and difficulty in bringing cases of lesser concern to the attention and consideration of the Federal commission and organization. The enlargement of railroad systems is also removing further and further from the people those who are in sufficient authority to act upon promptly and justly meritorious complaints. Everything, even under the present Government control, encounters in its disposition innumerable delays; and it is because of such a vast organization that such delays are inevitable, and often disastrous, so far as giving relief from situations that require prompt and effective action. Matters that ought to be capable of adjustment at home now must come to Washington, and that discourages at the start the quick and satisfactory disposition of simple questions.

The holding of the Supreme Court of the United States in the Shreveport rate case, 234 United States, 342, has, it is true, vastly extended the control of the Federal Government over commerce that for more than a hundred years was thought to be subject to regulation or control by the several States alone, and that holding, with, in my opinion, an extension thereof, is carried into the provisions of the pending bill. Why, I do not know, unless to create further limitations upon State authorities, or, at least, to prevent the Supreme Court in the future from ever

changing its construction of the Federal laws under which the Interstate Commerce Commission acted in that case.

But the present bill exceeds in the extent of its assertion of Federal power and control over the railroads and their construction and operation anything that has ever gone before, except under the present statute providing for war-time control. And in my opinion it will not solve the problems before us.

Has Federal control been a success in the times of this war? You know it has not. Why is it that you are turning the roads back now? Because you know the people are impatient and dissatisfied over the enormous losses they are compelled to pay, the abominable service, the restrictions and annoyances to which they are subjected, and the waste that has obtained under Government operation of the railroads. Unification has not meant economy. It has not fulfilled the promise that was given to the public, and which they were led to believe might exist under such operation.

One of the reasons why this Congress and the people of the United States oppose any such plan as the Plumb plan, and one of the reasons why I oppose it, too, is because it is saddling on the people of this country Government ownership with all its loss and waste and enormous expenditure already requiring, with greatly increased freight and passenger rates under Government control, the people to pay a loss of over \$600,000,000. Of course, that is not all that the Plumb plan does. It does more than that.

It requires the people of the United States to raise by new issues of bonds and taxation an estimated sum of \$20,000,000,000 to buy the railroads of this country, when the credit of the Nation is already severely tested; and then it sets aside one-half of the so-called net earnings of such public revenue, derived from freight and passenger returns, which are to be paid out as dividends, without an equal distribution among all the people of this land. I do not believe the people of this country will ever accept the Plumb plan; I do not believe it is in the interest of labor; I do not believe it is in the interest of any other class or group of people in the United States. I am confident its adoption would involve the Nation in financial and industrial disaster, and that both labor and the people generally are best served by its rejection.

And I am against this present bill reported by the committee as it is written now. It has been pressed for passage too soon after being reported, without giving the people time to become acquainted with its provisions. I do not believe the bill will accomplish anything in behalf of the public of the United States. It gives all to the railways and nothing to the people. It makes no promise of any substantial relief from existing conditions for a long time to come; it pays the railroads to increase rates, and, as I have already indicated, increases centralized control in the Federal Government and decreases State powers until there is very little left of the regulatory functions that the States were accustomed to exercise prior to the time the railroads were taken over by the Government of the United States. It is true that in the Committee of the Whole House we have added some amendments that will restore for a time some of the State powers that were taken away by the original committee bill, and that by the Denison amendment the Government is enabled to set off what the railroads owe it, as against what the United States owes the railroads, leaving only a balance of \$250,000,000, owing by the railroads, to be carried for 10 years, instead of about \$750,000,000 planned by the original bill, aside from the \$250,000,000 loan of a revolving fund. But in spite of such beneficial amendments, the remaining objections to the bill are too serious to permit me to support this measure in its present form, although I favor the immediate return of the railroads to their owners.

The Anderson amendment, which has been adopted by the committee for the labor-dispute provisions in the committee bill, offers a similar plan of adjustment of differences to what is now in use under Government control, and which has apparently aided greatly in avoiding strikes. Through it mediation of questions can be taken by boards of adjustment provided for by law, and disputes be settled by agreement, without recourse to drastic measures that up to this time seem neither wise nor necessary, and which threaten industrial and economic chaos. All possible support must be afforded the conservative leaders and members of the ranks of labor, to the end that radical leaders and elements will be discredited and repudiated, and a safe and wise course adopted consistent with the interest both of labor and of capital and of all the people of the United States. The laboring masses of the country are filled with as fine Americans as the country contains, and I can not believe they will allow themselves to be swept off their feet and jeopardize their power, influence, and best interests by following radicals and extremists.

who do the cause of labor infinitely more harm than the average member of organized labor may possibly imagine.

The great body of labor desires, I believe, industrial peace just as the public does, and the way to such peace does not seem to be through strife and bitterness or threats on either hand, but rather through a fair disposition on the part of all to provide suitable agencies where a full and fair hearing may be accorded for the amicable adjustment of all grievances and differences, with an honest desire on the part of those directly concerned to reach an agreement just and fair to all concerned, and with due regard to the interests and rights of the public.

These great principles of justice and fair dealing seem capable of finding expression through the provisions of the Anderson amendment, which should be fairly tried out and utilized to compose and adjust existing unrest and disturbing conditions. Let all remember that this great Nation is the heritage of all, and as its people from every walk of life stood together against the forces from without that sought to destroy it, those same loyal citizens should exert all their power to keep down any forces of anarchy or Bolshevism from within that would seek to tear apart this Republic and overturn their Constitution and Government that offers more freedom, more real liberty, and more opportunity for happiness than any country in the world.

Mr. JONES of Texas and Mr. HUDSPETH were granted leave to extend their remarks in the RECORD.

Mr. ESCH. Mr. Chairman, I move that all debate close in five minutes.

Mr. HUDDLESTON. Mr. Chairman, I would like to have five minutes.

Mr. BLACK. I have a perfecting amendment which I would like to offer, if I could ever get to it.

Mr. ESCH. I move that all debate close in 15 minutes.

The CHAIRMAN. The gentleman from Wisconsin moves that all debate on this section and amendments thereto close in 15 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HUDDLESTON. Mr. Chairman, I rise in pro forma opposition to the amendment of the gentleman from Texas [Mr. Buggs].

I believe that anyone who favors Government ownership of railroads would have good cause to hail the passage of this bill in the form in which it is presented to the House. I do not know how much it will be mutilated by the time it becomes a law, but I venture to believe that if this bill becomes a law in anything like its original terms it will produce a revulsion of sentiment in the United States, that it will do more to cause the people to favor Government ownership than any influence which has been brought to bear in the history of this country. The operation of the railroads under this bill will be the biggest argument in the world for Government ownership. Its passage ought to make advocates of Government ownership happy.

Now, I would not be candid if I did not say that I take no stock in the assertion so frequently made upon this floor and elsewhere that the Government control of the railroads which we now are bringing to a close by this bill has been a failure. I do not believe it. I believe that in a measure Government control has been a success. I believe, furthermore, that if we had had real Government control, that if there had been a sincere effort to make Government control a success, it would have been found to have been an overwhelming success. I believe that if I had the time I could demonstrate that the administration of the railroads by the United States Railroad Administration, even imperfectly as it has functioned, has been a success. Of course, a nation-wide propaganda has gone on. Immense sums of money have been spent to discredit it. Everything possible has been done to disgust the people with Government control. The Director General and his immediate staff have been honest, but as much can be said for very few between them and the employees. Railroad officials have sported with the trust reposed in them as subordinates of the Railroad Administration, and the most profligate waste and extravagance has gone on. Many of the men formerly officials of railroads who were given positions under Government control have not tried to make it a success; they tried to make it a failure and tried to discredit it from beginning to end. Ask any shopman; he will tell you of the awful waste of materials and labor; the transportation and office forces have similar tales to tell. Nevertheless, gentlemen, I predict that when the history of the United States Railroad Administration is written it will be seen that it has accomplished wonders; that it has been much more of a success and much more nearly perfect than the administration of private owners would have been under similar circumstances. With all the waste and extravagance, the big salaries to officials, the unnecessary increase in employees, many economies in operation could not be avoided, many elements of efficiency could not be discounted.

It has been a relative success, and the argument for a permanent system of Government operation of railroads remains.

Mr. Chairman, my statement the other day that by this bill we are capitalizing immense quantities of water was challenged. The gentleman from Illinois [Mr. DENISON] said the water had all been squeezed out of the railroads. Why, that is a contention that can not be supported for a moment. The railroads have something like \$18,000,000,000 of capitalization, and there is something like \$3,000,000,000 more of the securities of railroads that are owned by other railroads by interownership. Of that vast aggregate how much there is of water, of course, I do not know. We are now trying to find out by the investigation of the Interstate Commerce Commission, and undoubtedly Congress will be making a great mistake if it undertakes to legislate upon the subject without having a more adequate idea how much water we are capitalizing and giving life to.

The Interstate Commerce Commission is carrying on the investigation to find out the facts as to railroad values. I hold in my hand a statement showing that they have completed the valuation of three roads—the Kansas City Southern and subsidiaries, the Texas Midland, and the Winston-Salem South-bound. They have made tentative valuations of a total of 52 railroad systems. They are nearly all rather small systems. The valuations on the big roads are not yet finished.

Now, so far as the Kansas City Southern is concerned, the Interstate Commerce Commission has found the cost of reproduction, new, at \$44,194,645; the cost of reproduction, less depreciation, \$36,495,757. And yet we find that the book value of this railroad, "the investment account, as stated by the carrier," is \$99,573,383. Upon these 52 railroads tentative valuations have been placed of a total of \$304,439,491 for cost of reproduction, new; \$251,965,179 for cost of reproduction, less depreciation; and they have a book value—investment account—as given by the carriers of \$512,333,636, a difference between total first cost and total investment accounts of \$207,894,145—that is the water in their capitalization.

Now, I do not suppose that the same ratio of water will be found in all the railroads of the country, but you will observe, so far as these railroads are concerned, that they are about half water, as found by our agency which has made the valuation. I extend the statement referred to, as follows:

Name of carrier.	Cost of reproduction, new.	Cost of reproduction, less depreciation.	Investment account as stated by carrier.
Atlanta, Birmingham & Atlantic R. R.	\$24,154,998	\$19,408,810	\$53,325,732
Alabama Terminal R. R. Co.			6,631,361
Georgia Terminal Co.			4,870,082
Alabama Northern Ry. Co.	104,053	79,004	
Albany Passenger Terminal Co.	101,272	95,057	104,184
Bowden Ry. Co.	118,874	95,043	136,760
Death Valley R. R. Co.	359,728	346,257	365,267
Chicago, Terre Haute & Southeastern Ry.	22,247,990	17,561,158	24,927,762
Elgin, Joliet & Eastern Ry.	36,418,605	27,599,986	18,643,455
Chicago, Lake Shore & Eastern Ry.			22,433,010
Joliet & Blue Island R. R.			100,000
Carolina R. R. Co.	192,067	153,462	90,600
Flint River & Northeastern R. R.	239,547	191,792	235,925
Fitzgerald, Ocala & Broxton R. R.	101,393	68,380	406,962
Georgia Northern Ry.	851,275	665,891	912,145
Green County R. R.	151,504	119,399	151,500
Georgia Southern & Florida Ry.	10,297,657	7,690,371	12,273,374
Carolina & Yadkin River Ry. Co.		602,290	3,167,393
Dover & South Bound R. R.	239,867	160,551	79,775
Hampton & Branchville R. R. & Lumber Co.	227,822	163,457	138,273
Tampa & Jacksonville R.	575,974	441,901	1,140,340
Hawkinsville & Florida Southern Ry.	1,144,728	894,766	703,327
Norfolk Southern R. R. Co.	24,067,374	19,899,019	21,699,699
Atlantic & North Carolina R. R.			1,943,945
Carthage & Pinehurst R. R. Co.			105,800
Kinston, Carolina R. R. & Lumber Co.	219,012	145,423	51,067
Kansas City Southern Ry. and subsidiaries	44,194,645	36,495,757	69,578,880
San Pedro, Los Angeles & Salt Lake R. R.	43,127,960	36,701,567	76,391,886
Missouri Southern R. R.	920,912	779,455	802,184
Louisville & Wadley R. R.	169,127	126,970	198,053
Macon & Birmingham Ry.	1,828,373	1,437,988	1,000,230
New Orleans, Texas & Mexico R. R.	7,668,976	6,371,984	12,194,231
Rome & Northern R. R.	316,994	261,835	317,155
Quincy Western R. R.	71,203	47,415	79,517
Texas Midland R. R.	3,382,004	2,827,417	2,748,171
St. John & Ophir R. R.	127,414	119,108	133,101
Tooie Valley Ry.	301,746	164,313	316,225
Tonopah & Tidewater Ry.	3,038,896	2,439,145	4,215,247
Ray & Gila Valley	362,414	303,489	1,005,981
Alabama Central Ry.	88,423	68,482	99,019
Mississippi Eastern Ry.	262,350	189,790	173,470
Central Rwy. of Arkansas	213,276	182,582	251,032
Wadley Southern Ry.	1,029,571	769,314	1,470,030
Sylvania & Grand R. R. Co.	142,508	109,191	75,000
Sylvania Central Ry. Co.			75,000
Western Pacific Ry.	58,779,838	38,810,633	156,318,176
Winston-Salem Southbound R. R.	3,121,148	4,763,090	5,508,588
Wrightsville & Tennille R. R.	1,563,569	1,199,017	899,097
Arizona Southern R. R.	429,717	315,523	843,580
New Mexico Midland R. R.	147,156	119,271	170,000
Mississippi & Bonne Terre Ry.	3,357,247	3,141,063	3,579,099

Name of carrier.	Cost of re- production, new.	Cost of re- production, less depre- ciation.	Investment account as stated by carrier.
St. Francois County R. R.....	\$226,301	\$162,633	\$374,517
Cimarron & Northwestern Ry.....	297,528	206,622	269,431
Joplin Union Depot Co.....	433,208	406,363	533,527
Tallbott R. R.....	80,791	64,110	66,930
Northern Dakota Ry.....	214,390	156,392	215,870
Savannah & Northwestern Ry.....	1,776,219	1,492,616	2,980,764
Santa Fe, Raton & Eastern R. R.....			598,548
Evansville & Indianapolis R. R.....			4,327,585
Farmers Grain & Shipping Co.....	830,511	635,527	650,335
Brandon, Devils Lake & Southern.....	194,054	150,731	184,586
Fernwood & Gulf R. R.....	661,141	522,752	605,855
Total for 32 roads.....	304,439,491	251,965,179	512,333,636

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HUDDLESTON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. HUDSPETH. Mr. Chairman, I make the same request.

Mr. JONES of Texas. And, Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to these requests?

There was no objection.

Mr. LUCE. Mr. Chairman, I submit an amendment.

The CHAIRMAN. The Chair will state that already there are three amendments pending. The gentleman may have his amendment read for information and use his five minutes, the amendment to be considered afterwards. The Clerk will report the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Amendment offered by Mr. LUCE: Page 56, line 16, after the word "consolidation" insert the word "or" and after the word "or" now in the line, insert the words "to approve, authorize, or direct such."

Mr. LUCE. Mr. Chairman, I submit this amendment tentatively, so to speak, feeling that if it should not commend itself to the judgment of the committee, I should gravely doubt my own judgment in the matter.

In brief, this contemplates giving to the Interstate Commerce Commission the power to direct the railroads to pool facilities. For a concrete illustration, there is over beyond the document room an office which I fancy a large number of Members of this House would very much like to visit this afternoon, in order to test its joint facilities to the utmost in securing transportation to their homes. As this bill now reads, the Interstate Commerce Commission could not direct the continuance of that office. In my own city, when the Railroad Administration took charge of affairs, there were closed somewhere from 25 to 50 passenger and freight offices. I estimate that the economic saving to us, who ultimately pay the bills, to the taxpayer, to the consumer, was equal to the interest on an investment of from \$5,000,000 or \$10,000,000, representing the running expenses of those offices.

It may or may not be wise to try to preserve this gain. That I do not argue, but if the Chamber of Commerce of my city should think a continuance of these joint facilities desirable and could so convince the Interstate Commerce Commission, it may be well for the committee to consider whether the commission might not well have mandatory power in the matter. I propose that you permit the commission to direct the railroads to continue these joint facilities if, in the judgment of the commission, they are found to be a public economy.

May I call the attention of the committee to the fact that in the fifth line of the page of the bill in question they say that the commission may either upon the application of the carriers or upon its own initiative take up these matters? Certainly it could not to advantage take them up upon its own initiative if afterwards all the power it had in the matter was that given in line 15, to approve and to authorize. I wonder if the committee may not have intended, when it gave the commission power to take the initiative, that it should have the complementary power of issuing directions after hearings?

As I said in the beginning, if the judgment of the committee should oppose this, I should seriously doubt my own; but inquiry of members of the committee led me to think that perhaps it had not fully considered what is to happen in the matter of joint facilities.

Mr. BLACK. Mr. Chairman, I have an amendment which I would like to have read for information of the House, to be offered at the proper time.

The CHAIRMAN. The gentleman from Texas offers an amendment to be read for information of the House and to be offered later. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. BLACK: Page 56, line 12, after the word "public," strike out the following words: "or economy in operation."

Mr. BLACK. Now, Mr. Chairman, upon first impression I have an idea that the members of the committee and Members of the House would think that to strike out the language mentioned in my amendment would be unwise, and it may be that I am wrong in my effort to strike it out, but I do not think I am, and I hope that the chairman of the committee will approve that amendment.

Now, the provisions of this section, as we all know, give the Interstate Commerce Commission the power to modify and limit the Clayton antitrust law in respect to certain matters wherever they think that to do so would be in the interest of the public. That is the purpose of it. The language of the bill says that the unification and consolidation or merger of a carrier with another carrier may be permitted in the following cases: First, when it "will be in the interest of better service to the public." Now, that is a broad and comprehensive term, and I approve of it. Second, or "will be in the interest of economy in operation," or, third, "otherwise of advantage to the convenience and commerce of the people."

Now, let us see. Of course if we favor the purpose sought to be accomplished by this section—and I do myself—we will not object to the Interstate Commerce Commission ordering and authorizing a consolidation of this kind when it would be for the betterment of the public service. Therefore the first-named condition precedent to a merger or consolidation is all right. But the next language is—

Or will be in the interest of economy in operation.

Now, gentlemen, economy in operation alone might not be in the public interest. Presumably it would be, but not necessarily so in all cases. We are told—and I believe it is true—that the advantage of going back to private control is to maintain competition of service. We do not expect competition in rates. It has been established that we can not have that. But too much merger and consolidation would deprive us of competition of service. I dare say in almost every attempt toward consolidation the carrier could show that it would bring about an economy in operation, and therefore a provision like the one in this section would place it within the power of the Interstate Commerce Commission to order a merger or consolidation in any case where it can be shown that it would work an economy in operation, and this without any necessary regard for the public interest. While I have the utmost confidence in the Interstate Commerce Commission, I think that language ought to go out, and we ought to delegate to the commission the power to grant such consolidations only as they find to be in the interest of better service to the public or otherwise of advantage to the convenience and commerce of the people, and I think that such language would cover every ground that would justify the commission in approving a merger.

Mr. DENISON. Will the gentleman yield?

Mr. BLACK. I yield to the gentleman from Illinois.

Mr. DENISON. One very purpose of consolidation is to bring about economy in the expense of operation.

Mr. BLACK. Exactly, and whenever that would be for the betterment of the service it would meet the necessary test, but if it would not be for the betterment of the service the mere fact that it was an economy in operation should not justify it.

If gentlemen will study the broad and comprehensive power which this section delegates to the Interstate Commerce Commission to grant mergers and consolidations wherever to do so will be in the interest of "economy of operation" I think they will hesitate to give it.

It practically gives to the commission unlimited power to grant and authorizes consolidations and mergers. The discretion of the commission would practically be the only limit. I think the words which I seek to strike out should go out, and I therefore hope my amendment will be adopted.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment of the gentleman from Texas [Mr. HUDSPETH].

Mr. HUDSPETH. May I have the amendment reported again?

The CHAIRMAN. The amendment will be again read.

The Clerk read as follows:

Amendment offered by Mr. HUDSPETH: Amend page 57, line 23, by striking out the period and inserting a semicolon and inserting the following: "Provided, That nothing in this act shall relieve or exempt any carrier or express company from obedience to the constitution and antitrust laws of the State of its creation, or in which it may operate."

The CHAIRMAN. The question is on the amendment. The question being taken, on a division (demanded by Mr. HUDSPETH) there were—ayes 32, noes 63.

Accordingly the amendment was rejected.

The CHAIRMAN. The question now is upon the amendment of the gentleman from Texas [Mr. BIGGS] to strike out paragraph 3.

The question being taken, the amendment was rejected.

The CHAIRMAN. The Clerk will now report the amendment offered by the gentleman from Massachusetts [Mr. LUCE].

The Clerk read as follows:

Amendment offered by Mr. LUCE: Page 56, line 16, after the word "consolidation" insert the word "or"; and after the word "or," now in the line, insert the words "to approve, authorize, or direct such."

The question being taken, on a division (demanded by Mr. LUCE) there were—ayes 26, noes 55.

Accordingly the amendment was rejected.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas [Mr. BLACK].

The Clerk read as follows:

Amendment offered by Mr. BLACK: Page 56, line 12, after the word "public," in line 12, strike out the following words: "or economy in operation."

The question was taken, and on a division (demanded by Mr. BLACK) there were—ayes 33, noes 64.

Accordingly the amendment was rejected.

The CHAIRMAN. The question is upon the motion of the gentleman from Tennessee to strike out section 407.

The question being taken, on a division (demanded by Mr. SIMS) there were—ayes 20, noes 73.

Accordingly the amendment was rejected.

The Clerk read as follows:

SEC. 408. The second and third paragraphs of section 5 of the commerce act, added to such section by section 11 of the act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone," approved August 24, 1912, are hereby amended by inserting "(4)" at the beginning of such second paragraph, and "(5)" at the beginning of such third paragraph.

The fourth paragraph of section 5 of the commerce act, added to such section by section 11 of such act of August 24, 1912, is hereby amended to read as follows:

"(6) If the Interstate Commerce Commission is of the opinion that any such existing or proposed new specified service by water, other than through the Panama Canal, is being or will be operated in the interest of the public, and is or will be of advantage to the convenience and commerce of the people, and that a discontinuance of the existing service, or a failure to establish the proposed new service, will be substantially injurious to the commerce or localities affected, the commission may, upon such just and reasonable terms as it may prescribe, by order extend the time during which such existing service by water may continue to be operated, or authorize the establishment and maintenance of the proposed new service, until its further order after hearing. In every case of such extension or authorization the rates, schedules, and practices of such water carrier shall be filed with the commission and shall be subject to this act and all amendments thereto in the same manner and to the same extent as is the railroad or other common carrier controlling such water carrier or interested in any manner in its operation."

Mr. SANDERS of Indiana. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. SANDERS of Indiana: Page 57, strike out lines 24 and 25, and lines 1 to 9, inclusive, on page 58, and insert in lieu thereof the following:

"Sec. 408. The paragraph of section 5 of the commerce act added to such section by section 11 of the act entitled 'An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone,' approved August 24, 1912, is hereby amended by inserting '(4)' at the beginning thereof.

"The two paragraphs of section 11 of such act of August 24, 1912, which follow the paragraph added by such section to section 5 of the commerce act are hereby made a part of section 5 of the commerce act. The first paragraph so made a part of section 5 of the commerce act is hereby amended by inserting '(5)' at the beginning thereof, and the second such paragraph is hereby amended to read as follows:—"

Mr. SANDERS of Indiana. Mr. Chairman, this is an amendment suggested by the chairman of the committee, simply to make consecutive the numbering of the paragraphs, and is not any substantial change at all.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana [Mr. SANDERS], a member of the committee.

Mr. SANDERS of Louisiana. I yield to the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. HUMPHREYS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUMPHREYS: Page 58, line 22, after the word "hearing" strike out the period, insert a colon and the following: "Provided, That no new service shall be authorized except in or upon the Great Lakes and their connecting waterways, or on a navigable water (other than through the Panama Canal) where the major portion of the service is upon the high seas or upon Long Island Sound."

Mr. ESCH. Mr. Chairman, after conference with various members of the committee and others who are interested in the Panama Canal section we have come to the agreement manifested in the amendment that has just been read.

Mr. ALEXANDER. Mr. Chairman, I have a motion to strike out the section.

The CHAIRMAN. The gentleman will have an opportunity to present that. The question is on the amendment of the gentleman from Mississippi [Mr. HUMPHREYS].

The amendment was agreed to.

Mr. HAWLEY. I move to strike out the last word. I wish to ask the chairman of the committee a question. Does paragraph 6 on page 58 apply only to rates where there is a joint water and rail haul, or does it give the Interstate Commerce Commission the power to fix rates when the route is entirely by water?

Mr. ESCH. It could not have jurisdiction unless you had a railroad owning the water line.

Mr. HAWLEY. Then if there is a carrier independent of a rail carrier, operating the water service, the Interstate Commerce Commission would have no power to fix rates for that carrier?

Mr. ESCH. It would have no jurisdiction.

Mr. SANDERS of Louisiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Louisiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SANDERS of Louisiana: Page 58, line 11, strike out the words "or proposed new specified," and on line 16 strike out the words "or a failure to establish the proposed new service," and on line 20 strike out the last word in said line, "or," strike out all of line 21, and in line 22 the words "new service."

Mr. SANDERS of Louisiana. Mr. Chairman, this amendment, if adopted, will merely strike out what is known as the Rich amendments, which have already been discussed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana.

The question was taken, and the amendment was rejected.

Mr. ALEXANDER. Mr. Chairman, I move to strike out section 408.

The Clerk read as follows:

Amendment by Mr. ALEXANDER: Strike out all of section 408.

Mr. ESCH. Will the gentleman from Missouri yield?

Mr. ALEXANDER. Yes.

Mr. ESCH. The gentleman does not desire to strike out the amendment renumbering the sections?

Mr. ALEXANDER. If that could be segregated I would be willing to do it. I do not know how to do it, as I have no copy of the amendment. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. ALEXANDER. Mr. Chairman, this bill amends section 5 of the commerce act as amended by section 11 of the Panama Canal act.

The fourth paragraph of section 11 of the Panama Canal act provides that—

If the Interstate Commerce Commission shall be of the opinion that any such existing specified service by water—

That is, by railroad owned or controlled water lines—

other than through the Panama Canal is being operated in the interest of the public and is of advantage to the convenience and commerce of the people, and that such extension will neither exclude, prevent, nor reduce competition on the route by water under consideration, the Interstate Commerce Commission may, by order, extend the time during which service by water may continue to be operated beyond July 1, 1914.

The provision of this bill is as follows:

(6) If the Interstate Commerce Commission is of the opinion that any such existing or proposed new specified service by water, other than through the Panama Canal, is being or will be operated in the interest of the public, and is or will be of advantage to the convenience and commerce of the people, and that a discontinuance of the existing service, or a failure to establish the proposed new service, will be substantially injurious to the commerce or localities affected, the commission may, upon such just and reasonable terms as it may prescribe, by order extend the time during which such existing service by water may continue to be operated, or authorize the establishment and maintenance of the proposed new service, until its further order after hearing.

And so forth.

You will note that under section 11 of the Panama Canal act the power of the Interstate Commerce Commission is limited to railroad owned or controlled water lines other than those operated through the Panama Canal, and that in order to authorize the continuance of such lines the commission should be of opinion that they were being operated in the interest

of the public and to the advantage and convenience and commerce of the public.

But the duty did not stop there. They were required to further find and be of opinion that the extension of the time of service beyond July 1, 1914, would—mark the language—"neither exclude, prevent, nor reduce competition on the route by water under consideration."

What does the proposed amendment in section 408 of the bill do? It permits existing railroad owned or controlled lines to continue to be operated, or new services to be established, without any reference to what the effect will be on existing water lines. The commission is not required to find or be of opinion that such extension of service, or such new service, excludes, prevents, or reduces competition on the route by water under consideration.

Does anyone think that an independent water line can live in competition with a railroad-owned competing line?

The Panama Canal act required the withdrawal by railroad companies from the operation of ships in competition with their rail lines. That act, however, gave the Interstate Commerce Commission certain discretion in extending the time within which such water service by rail lines must be withdrawn.

It has recently been printed in the Record that during the seven years since the enactment of the Panama Canal act the Interstate Commerce Commission has denied but four applications by rail carriers for continuance of railroad-water service. Such action by the commission has undoubtedly prevented that which Congress originally contemplated, namely, that private capital owning independent water lines should build up a water service beneficial to the public in that it would not be rail controlled as to its rates, and would, therefore, constitute a rail competition such as could never be obtained from railroad-owned ships.

The phraseology in the bill which we seek to eliminate not only perpetuates the railroad-owned lines which the Interstate Commerce Commission has permitted to be continued under its discretionary powers, as outlined, but grants to the Interstate Commerce Commission additional authority to permit the railroads to further extend water service anywhere and everywhere, except only through the Panama Canal, thus permitting rail lines to furnish a camouflaged water service which would, however, prevent active privately owned water competition with rail lines such as would guarantee to the public who could be served by water carriers just and reasonable rates based upon the actual cost of water transportation.

It will be noted also that the phraseology which we propose to eliminate would place the Interstate Commerce Commission in exclusive control of such railroad-owned water carriers as to their rates, their schedules, and their practices, it being the evident purpose that they shall be considered differently than the ships of privately owned water companies which are amenable to the Shipping Board, as provided under the shipping act, to which board also the railroad-owned ships have been and now are amenable in so far as they do a port-to-port business.

The language of the bill, however, would give to the Interstate Commerce Commission control over the port-to-port rates of such railroad-owned water carriers, leaving them a menace always to privately owned shipping. We do not at this time seek to further restrict railroads from operating ships beyond that restriction provided in the Panama Canal act, but we seek to prevent an extension of that authority. Congress undoubtedly proposed to eliminate railroad-owned ships from competition with private carriers. The Interstate Commerce Commission has balked that intent of Congress, and certain it is that having failed to carry out the intents and purposes of the Panama Canal act, Congress is not justified in giving it further authority of like character which may be used by it to further destroy the independent water competition with rail lines.

If this motion to strike out is agreed to, it will leave the power of the Interstate Commerce Commission as it is now under section 11 of the Panama Canal act, and that is where it should rest for the present. The power of the commission, in my opinion, should not be extended. The power to regulate common carriers by water should continue in the United States Shipping Board, where it is lodged by the shipping act, 1916.

The Committee on the Merchant Marine and Fisheries was instructed by Congress to investigate the steamship company affiliations under House resolution 583 in the Sixty-third Congress. In our report we made this finding as to the steamship company affiliations on the Atlantic and Gulf coasts. I quote from our report:

On this leading water highway of American commerce practically all the large regular steamship lines are either controlled by railroads or are subsidiaries of one of two large shipping consolidations—the Eastern Steamship Corporation and the Atlantic, Gulf & West Indies Steamship Lines. Exclusive of some very small and purely local lines, 28

lines, representing 235 steamers with a total of 549,821 gross tons, handle practically all of the traffic along the entire Atlantic and Gulf coasts. Of the 235 steamers and 549,821 gross tons referred to, the lines controlled by the railroads represent 54.5 per cent and 61.9 per cent, respectively; the lines of the Eastern Steamship Corporation, 11.3 per cent and 10 per cent; and the lines of the Atlantic, Gulf & West Indies Steamship Lines, 18.2 per cent and 22 per cent. In other words, the steamers of the railroad-controlled lines combined with those of the Eastern Steamship Corporation and the Atlantic, Gulf & West Indies Steamship Lines number 199, or 84.7 per cent of the above-mentioned total for the 28 lines, and represent 516,955 gross tons, or 93.9 per cent of the foregoing total gross tonnage.

It will be noted that of the 235 steamers and 549,821 gross tons referred to, the lines controlled by the railroads represent 54.5 per cent and 61.9 per cent, respectively, of the regular steamship lines that handled the traffic on the Atlantic and Gulf coasts.

And yet in this bill it is proposed to give the Interstate Commerce Commission greater power over water traffic and to permit rail-owned or controlled water lines to strangle independent lines, all under the shallow pretense that to do so will be in the public interest.

It is time for the Congress to determine whether or not our inland waterways, our Great Lakes, the Atlantic Ocean, the Gulf, and the Pacific Ocean shall be national assets or national liabilities; whether we should continue to expend vast sums of money for the improvement of our waterways, including the Panama Canal, if the benefit of cheaper water rates is to be denied to the people. Looking at them from the railroad standpoint, they should be wiped off the map. They are regarded as an enemy, and the whole trend of this bill is to enlarge the power of the Interstate Commerce Commission over transportation by water, to the end that competition by water lines may be curtailed or entirely eliminated, as has been the case on our inland waterways, and that the railroads may control our waterways and make them of no value to our great agricultural, manufacturing, and commercial interests. Foreign nations regard their waterways as great national assets. We should regard our waterways as great national assets. Indeed, we could not estimate their value to our commerce if properly and fully utilized; but we seem determined, in this and other sections, to further eliminate their use or very seriously diminish their effectiveness as a means of cheaper transportation to the American people; and, as a member of the Committee on the Merchant Marine and Fisheries, who has given 12 or 13 years of his time in an effort to build up a great American merchant marine and to increase the value of our waterways to the commerce of our country, I protest against this tendency. It is idle to ask the Committee on the Merchant Marine and Fisheries to bring in legislation to build up an American merchant marine and at the same time give the railroad companies power to throttle or curtail water transportation. [Applause.]

Mr. CANNON. Mr. Chairman, the ocean we can not change; the Panama Canal connects the two oceans. The Great Lakes, I suppose, will continue to be there, but so far as the inland waterways are concerned I sometimes, from my standpoint, grow weary of them. We spend money on the canal from here to the South, within a stone's throw of the ocean, and then we are angry because commerce does not go upon it, and we want to legislate so that commerce will go upon it. I grew up on the Wabash and live within 12 miles of it now. The Wabash was called the Apian Way, away back there by the French who discovered it, and they used to float flatboats down on it and little stern-wheel steamers. They are all gone now. The day of the railroads has come. The Wabash is a navigable river, with the Vermilion River, one of its tributaries, which runs up and past my little town. It is a navigable river. The trouble about it is that when you want the inland waterways and you make them efficient, they will take care of themselves. Therefore, without disagreeing with anybody or making myself offensive to anybody, as I see it, I sometimes just grow—ho; not weary, but I do not quite agree with the desire by law to force the waterways to perform something that they can not do.

Mr. SMALL. Mr. Chairman, the motion of the gentleman from Missouri [Mr. ALEXANDER] ought to prevail. I do not agree with the criticisms of this bill which are made by some to the effect that it is altogether bad. On the contrary, I think there are some very admirable features in it, particularly pertaining to the railroads, but even the members of the committee would not claim infallibility, and certainly those who have given consideration to some features of the bill and offer amendments are entitled to the consideration of the House sitting in Committee of the Whole, and I do not think it is altogether wise to assume that every amendment is without merit.

In the Panama Canal act there was a provision which forbade railroads owning or operating boat lines competitive with the railroads. The commission was given discretion, upon ap-

plication, to find the facts whether the boat lines were competitive and to extend the time within which the railroad might dispose of its boat lines. I understand that very few—under 10—separations of boat lines owned by railroads have been made, and I think it is fair to say that the tendency of the commission has been to permit the continued ownership of these boat lines by the railroads.

I submit, if I correctly estimate the attitude of the commission, that they are wrong. I further submit that the law prohibiting railroads from owning and operating competing boat lines is wise. Traffic by rail and traffic by water are dissimilar. The common ownership can not operate in the interest of the public. They never have done it and never will do it, and always in the past boat lines operated by railroad lines in competition with the railroads have been operating in the interest of the railroads and not in the interest of the public. That proposition in transportation can not be denied. I take it no one would stand up here and advocate the proposition that it is in the interest of transportation, increasing the facilities of transportation, and in the interest of the public to permit a rail line to own a competing boat line. If that be true, why this amendment to the existing law, and why should it be adopted? Its only purpose is to extend the discretion vested in the Interstate Commerce Commission and to permit the continued ownership by the rail lines of existing competing boat lines; and not only that, but to permit railroads to construct and operate additional boat lines.

The gentleman from Louisiana [Mr. SANDERS], in an address in general debate, condemned this bill in very general terms as sounding the death knell of water transportation. I am not willing to go to that extreme, and do not do so; but I do say that when an amendment like the one proposed by the gentleman from Missouri [Mr. ALEXANDER] is offered in furtherance of a proposition connected with transportation which is wise and which can not be contested, it ought to have the favorable consideration of the House, and that his motion to strike out ought to be adopted. If it is not done, some color will be given to charges like those made by the gentleman from Louisiana [Mr. SANDERS].

Mr. HUMPHREYS. Mr. Chairman, I want to speak briefly and call the attention of the House to the fact that this section as it is now will prevent the railroads from putting in any boat lines in competition with the railroads, or in competition with the boat lines that already exist on any of the inland waterways of the country. The objection to permitting railroads to own and operate boats on the rivers is apparent to everyone. The mere right to do that was in itself a drawback to the development of river transportation, because private individuals would hesitate to put a boat line in if the railroads could under any circumstances get permission from the Interstate Commerce Commission to inaugurate a boat line in competition.

Therefore to that extent private interests were discouraged, but the section as it stands now will not authorize the railroads to go into the steamboat business upon any of the rivers in the country. They are expressly excluded from that privilege. The only place they will be permitted to establish their lines will be upon the Great Lakes, upon the Fall River Line running from New York City up through Long Island Sound, where, according to the statements of gentlemen from those communities, that service is very greatly needed. Since the passage of the Panama Canal act the service by water in those two specific localities has greatly deteriorated and in some instances has passed away altogether, and they are anxious now to have the authority given to the railroads to reestablish that service which has passed away. Now, those of us who represent the inland waters of the country, I submit, ought not to stand in the way of these others if they want it, and especially since they have accepted the amendment which makes it impossible in the future, as it has been since August, 1914, for the railroads to inaugurate any steamboat service on any of the inland rivers of the country which come in competition with the private boat lines.

Mr. ALEXANDER. Will the gentleman yield?

Mr. HUMPHREYS. I will.

Mr. ALEXANDER. Have the railroads any steamboat lines on inland waterways now?

Mr. HUMPHREYS. Not now. They can not establish them. If they had the right to do it, which they would have had under this section before amendment, the gentleman can see how investors would be timid about establishing a boat line on any river if by any possibility the roads could come in subsequently and establish a competing service, but this forbids that. It says the railroads can not do that, and therefore I submit, so far as the inland waterways of the country are concerned, there is no sort of harm in the section as it stands.

Mr. DAVEY. Does the gentleman think the amendment will preclude the railroad company from owning any stock or interest in any water line?

Mr. HUMPHREYS. Absolutely. That is plain. They can not own any stock or have any interest in the ownership or operation or lease, or otherwise, of any steamboat company or any service by water in any of the rivers of this country, except such rivers as the Detroit River, the St. Marys River, the Niagara River—which are connecting rivers between the Great Lakes—and the East River, and Long Island Sound.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ALEXANDER. I ask that the gentleman's time be extended two minutes—

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the time of the gentleman from Mississippi be extended two minutes. Is there objection?

Mr. ALEXANDER. In order that I may ask him a question,

The CHAIRMAN. The Chair hears none.

Mr. ALEXANDER. Now, the railroads under existing law can potentially destroy commerce on our inland waterways, and there is no inducement for them to establish water lines. Is not that true? Then your amendment is absolutely worthless; and that is my judgment.

Mr. HUMPHREYS. Of course, I do not agree with the gentleman with the rest of the two minutes I have. [Laughter.] I dissent.

Mr. TILSON. Mr. Chairman, I rise in opposition to the pro forma amendment or move to strike out a sufficient number of words to get the floor. I wish to challenge squarely the proposition of the gentleman from North Carolina [Mr. SMALL], and I wish to use as an illustration, amplified somewhat, an example referred to by the gentleman from Mississippi, who has just taken his seat.

The New York, New Haven & Hartford Railroad parallels Long Island Sound from the eastern end of Long Island Sound to New York; therefore boats running through the Sound would be regarded as in competition with the railroad. Prior to the passage of the Panama Canal act the New York, New Haven & Hartford Railroad had a number of boats, with boat lines running on Long Island Sound from New London, from New Haven, from Bridgeport, and from other ports, all running to New York. These lines were a great convenience to the people living not only along the north shore of the Sound but the entire interior section of New England. They served an excellent purpose. They carried freight much more quickly to and from New York to all of this region than it was carried by the railroad. The Panama Canal act, requiring railroads owning or operating water lines to dispose of them, was not enforced at once in Long Island Sound, and the time for its enforcement has been extended from time to time because of the situation there.

A number of railroads come down to Long Island Sound from the north. They come by way of Hartford and down the river by railroad or by boat to the Sound. They come by way of Norwich and New London, down the Thames River to New London. They come from a number of directions down to New Haven, and all in effect extend the several railroad lines by using the water route to New York. Bridgeport is similarly situated and can utilize the water route to New York.

Our difficulty is that the railroad, especially from New Haven to New York, is greatly congested. It is the neck of the bottle. If I may use that soon-to-be-out-of-date illustration. The railroad being already overburdened, the water lines serve the very useful purpose of extending the north and south railroads to New York. The shippers of this entire region are seriously handicapped in the conducting of their business by inadequate shipping facilities. Boats on the Sound materially help in the solution of the problem and the more of them the better for the people of the communities served. Any law the effect of which is to compel the railroad to divorce itself from its boats and to dispose of them is, in my judgment, a law in direct opposition to the best interests of the people being served by them.

Mr. SMALL. Will the gentleman yield?

Mr. TILSON. I will yield to the gentleman.

Mr. SMALL. If the cities of New Haven, Bridgeport, and other New England cities on the water were provided with municipal terminals, modern in every way, and there were independent boat lines between those cities and New York and other points, and those independent boat lines had an agreement for interchange of traffic with the railroad, does not the gentleman think it would be a healthier condition and have a better tendency to serve the public in transportation?

Mr. TILSON. I doubt it, even if the many favorable things supposed by the gentleman were true. Unfortunately, they are

not true, and probably will not be true as a result of any legislation that we might enact. The State of Connecticut has spent a million dollars to build a pier at New London in order to aid in bringing to pass the very things the gentleman suggests, but they have not come as yet. After all, the railroad is better prepared to handle the traffic than anybody else, and if we force the railroad to sever its connection with the boat lines, then, instead of sending it over somebody's boat line which is competing with the railroad, it will try to send it, if it can, through the neck of the bottle, which is the congested district just east of New York City.

Mr. WINSLOW. I would suggest to the gentleman that there are independent lines all up and down the Sound, and they do not increase. They have never been able to furnish enough boats to take the business, and even with the railroad boats they are short.

Mr. TILSON. I thank the gentleman from Massachusetts for his very accurate suggestion. The business has never been taken care of by independent boat lines, and it is the conviction as well as the fear of the people there that it never will be. If it is made permissible for railroads under proper regulations to connect up with their own boat lines and use Long Island Sound, it will be the very best thing possible for all the people of New England. I repeat that if we put anything into this law that will restrict the use of Long Island Sound in the way it was restricted by the Panama Canal act, it will be a serious injury to the people of New England.

Mr. TOWNER. Mr. Chairman, I rise in opposition to the pro forma amendment of the gentleman from Connecticut [Mr. Tilson] for the purpose of making this statement and observation.

Information has come to us that the Senate refuses to consent to the adjournment of the House at this time. That being true, the Members of the House ought to understand that any adjournment to-night is impossible. It is not only that condition that should hold us here, but also the further condition that there is at least a possibility, if not a probability, that the treaty will be defeated in the Senate. In that case the House should remain here in order that immediately, if that should be done, the House and the Senate may pass a joint or concurrent resolution to the effect that the war between Germany and the United States is at an end. [Applause.] That, in my judgment, will be a supreme duty of the House. In view of that, Mr. Chairman, I desire to ask the chairman of the committee whether at this late hour on Saturday evening it is worth while that the House should be held any longer in session to-day? It occurs to me that upon the determination of this amendment it would be proper and only justice to the membership of the House that we should adjourn until Monday. [Applause.]

Mr. WILSON of Louisiana. Will the gentleman yield?

Mr. TOWNER. I will yield to the gentleman from Louisiana.

Mr. WILSON of Louisiana. Is it your information that the Senate is going to vote on the treaty to-day finally?

Mr. TOWNER. I think not. That is only a supposition. But the probabilities are that the reservations will all be passed upon this evening.

Mr. LONGWORTH. I may say to the gentlemen that my understanding, after conversation with several Senators, was that the Senate does not intend to finish to-day, but proposes to adjourn at about 5 o'clock. I do not say that with any authority, but it is merely my understanding.

Mr. TOWNER. That only emphasizes the suggestion I make.

Mr. BANKHEAD. Will the gentleman yield?

Mr. TOWNER. I yield to the gentleman from Alabama.

Mr. BANKHEAD. What action of the Senate leads to the gentleman's statement that they have refused to consent to the adjournment of the House? Has the matter ever been formally up in the Senate?

Mr. TOWNER. I think it has only been informally agreed upon.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. TOWNER. I will be glad to do so.

Mr. CLARK of Missouri. There is no question about the Senate not being willing to pass that resolution. I would like to ask the gentleman from Iowa [Mr. Towner] what good there is to waste two hours this afternoon?

Mr. TOWNER. That is just what I am suggesting.

Mr. CLARK of Missouri. I know, but if we go on with this bill we will not be wasting time. If we adjourn now, it will throw away two hours or two hours and a half.

Now, about the adjournment. The resolution the gentleman is talking about, to declare the war at an end, can be passed in two hours or can be defeated within two hours. With an adjournment to-day, it would not do the gentleman from Iowa any good, or myself, or anybody that lives as far away from here as

we do. If we are going to adjourn, the quicker we adjourn next week the better we will be off. It will save riding from here to St. Louis on a train and coming right back again.

Mr. TOWNER. I will say to the gentleman from Missouri that this condition exists: A great many Members have made arrangements to go away to-night, and some to-morrow. If we adjourn within a short time they can cancel those arrangements and change them, and they should have an opportunity to do so while they can do it, this being the last working day of the week.

Mr. SMITH of Michigan. Will the gentleman permit an inquiry?

Mr. TOWNER. I yield.

Mr. SMITH of Michigan. Is it the gentleman's impression that we will conclude this bill on Monday if we should adjourn now?

Mr. TOWNER. I think we could if we met at 10 o'clock.

Mr. SMITH of Michigan. If not, we might use these two hours to-night.

Mr. TOWNER. That is for the committee to determine.

Mr. ESCH. Mr. Chairman, I think we had better run at least until half past 5. It is not my purpose to have a session to-night, in view of the situation in the Senate, but I think we ought to run until half past 5.

The CHAIRMAN. The time of the gentleman from Iowa has expired; all time has expired. The question is on the amendment of the gentleman from Missouri to strike out section 408.

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. ALEXANDER. Division, Mr. Chairman.

The committee divided; and there were—ayes 50, yeas 71.

So the amendment was rejected.

The Clerk read as follows:

SEC. 411. The two paragraphs under (a) of the thirteenth paragraph of section 6 of the commerce act are hereby amended so as to be combined into one paragraph to read as follows:

"(a) To establish physical connection between the lines of the rail carrier and the dock at which interchange of passengers or property is to be made, irrespective of the ownership of the dock, by directing the rail carrier to make suitable connection between its line and a track or tracks which have been constructed from the dock to the limits of the railroad right of way, or by directing either or both the rail and water carrier, individually or in connection with one another, to construct a suitable dock and construct and connect with the lines of the rail carrier a track or tracks to the dock. Such dock shall be considered a terminal, within the meaning of that term as used in other sections of the act, and the powers here conferred are in addition to those provided in other sections. The commission shall have full authority to determine and prescribe the terms and conditions upon which these docks and connecting tracks shall be operated, and it may, either in the construction or the operation of such docks and tracks, determine what sum shall be paid to or by either carrier; *Provided*, That construction required by the commission under the provisions of this paragraph shall be subject to the same restrictions as to findings of public convenience and necessity and other matters as is construction required under section 1 of this act."

Mr. SANDERS of Louisiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Louisiana, a member of the committee, offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SANDERS of Louisiana: Page 59, line 29, strike out all of section 411.

The CHAIRMAN. The gentleman from Louisiana is recognized.

Mr. SANDERS of Louisiana. Mr. Chairman, I desire, if I may, to explain to the committee just exactly what this is. I wish you would turn to your copies of the bill, page 59, section 411, line 29. Now listen: "Two paragraphs under (a) of the thirteenth paragraph of section 6 of the commerce act are hereby amended so as to be combined into one paragraph, to read as follows."

Therefore, from a mere reading of the bill, I undertake to say that every man would understand that that would mean the combining of two paragraphs.

Now, Mr. Chairman and gentlemen of the committee, it does nothing of the kind. Section (a) in the bill, at page 59, and running over to line 22, on page 60, changes, amends, and modifies the two paragraphs of section 6 of the commerce act in most important matters, and does it to the detriment of the States and the cities that have expended their money and builded their terminals and their docks.

The first change that is made of any importance begins in line 25, on page 59, and goes over into page 60, and puts in these words—the strongest that can be put in by the English language:

Irrespective of the ownership of the dock.

That means, gentlemen, that a town or a city, like the city of New Orleans, where there are State docks, not municipal, for the docks of New Orleans are State docks. It is a State insti-

tution. The revenues of those docks are pledged to the redemption of the bonds issued against them in principal and interest.

It has been contended that paragraph (a) of the commerce act carries the same provisions. Gentlemen, it does not. The present law is nowhere in the world as strong as this provision.

Then you have got on line 5 of page 60 the words "of the railroad" added, and then, on lines 9, 10, 11, and 12, you have got an entire paragraph added; and then you have given the Interstate Commerce Commission, on lines 13 and 14, the right to prescribe the terms and conditions under which river and ocean traffic can use the docks owned, built, and operated by the State of Louisiana. Then you have added the word "docks" in line 14, and you have added the word "docks" in line 16.

In other words, by these provisions in this bill you have taken away from the locality and from the State, the municipality, public ownership of docks and ways, docks built by and through public money, owned and operated by State or municipality, and you undertake to deprive that State or that municipality of the right of prescribing the terms and conditions under which their own public utilities may be used.

I have said that there is an invasion of State lines throughout this bill. There is no more outrageous invasion than is attempted in this section which I have moved to strike out.

No harm can come, gentlemen of this committee, by leaving section (a) as it stands in the commerce act to-day. No harm can come to this bill, because under the existing law the Interstate Commerce Commission has all the power that it ought to have. Do not try by act of Congress to take away the management and the control and the operation of State or municipal docks or piers placed there by a people for their own purpose.

Mr. DENISON. Mr. Chairman, will the gentleman yield for a question?

Mr. SANDERS of Louisiana. Certainly.

Mr. DENISON. May I ask the gentleman from Louisiana if these municipal or State docks are facilities that are used for interstate commerce?

Mr. SANDERS of Louisiana. Yes, sir.

Mr. DENISON. Does the gentleman think that the State of Louisiana, with reference to an interstate facility, or a facility of interstate commerce, should be superior to the United States?

Mr. SANDERS of Louisiana. Absolutely, in regard to our own docks.

Mr. DENISON. The Constitution says otherwise.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. SANDERS of Louisiana. Mr. Chairman, I ask for three minutes more, if you please.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to proceed for three minutes more. Is there objection?

There was no objection.

Mr. DENISON. The Constitution says otherwise.

Mr. SANDERS of Louisiana. There is nothing in the Constitution of the United States anywhere that says that State property can be taken by the Federal Government.

Mr. DENISON. Mr. Chairman, will the gentleman yield again?

Mr. SANDERS of Louisiana. Yes.

Mr. DENISON. The Constitution does give the Congress plenary power to regulate interstate commerce, and when a State enters into the construction of facilities for interstate commerce the State must do so subject to that constitutional power.

Mr. SANDERS of Louisiana. There is not any question about the Constitution of the United States giving to Congress the right to regulate and control interstate commerce. But that is not what is attempted in this amendment. You are attempting here to dictate to a sovereign State the terms and conditions under which a vessel, a steamboat, a river-going or ocean-going vessel shall tie up at the docks at the city of New Orleans or any other city where docks are publicly or privately owned. You are taking away the management of those docks. You are taking away the control of those docks.

Yes; you have got the right to regulate interstate commerce, but you have not the right by an act of Congress, you have not the legal right, and, more than that, you have not the moral right to go down and take the docks built by State money and undertake to say how those docks shall be managed and under what terms they shall be used. It is inherently illegal. Worse than that, it is inherently immoral. I have not heard the gentleman from Illinois, or any other gentleman on that side, state that we could take a copper cent from a railroad. Oh, no. Their property is sacred and must not be touched. But the property of the State of Louisiana must be treated otherwise.

Mr. BENSON. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Louisiana. Yes.

Mr. BENSON. Did you not do that very thing when you took the railroads away from the owners?

Mr. SANDERS of Louisiana. We did not. We paid them, and paid them well, for the use thereof.

Mr. BENSON. Would we not pay the States for the use of the docks?

Mr. SANDERS of Louisiana. No. There is not one word in this about paying the State.

The CHAIRMAN. The time of the gentleman from Louisiana has again expired.

Mr. DENISON. Mr. Chairman, I rise in opposition to the amendment.

Mr. SMALL. Will the gentleman yield to allow me to offer a perfecting amendment?

Mr. DENISON. In a moment I will. Gentlemen, I appreciate the attitude of my friend from Louisiana [Mr. SANDERS]. I know how he feels on this question, but he is in error. The Constitution gives the Congress absolutely plenary power to regulate interstate commerce. Now, whenever a sovereign State or a municipality engages or invests in a facility of interstate commerce, then that State or municipality must submit to the supreme power of Congress just the same as an individual, and the mere fact that it is a State or a municipality that engages or invests in the facility of interstate commerce does not change the Constitution of the United States or the constitutional power conferred on the Congress.

Let me give you an illustration. Suppose the State of Louisiana should issue its bonds and invest in a railroad running from New Orleans to Austin, Tex., and engage in interstate commerce. Then my friend from Louisiana [Mr. SANDERS] would come here and say that Congress has no right to impose any regulation on that railroad because it is a State railroad, and a sovereign State can not be subjected to the power of the Congress.

Mr. SANDERS of Louisiana. Will the gentleman yield?

Mr. DENISON. I will be glad to yield?

Mr. SANDERS of Louisiana. Would the gentleman contend that this Congress could order the State of Louisiana to build that railroad?

Mr. DENISON. Certainly not.

Mr. SANDERS of Louisiana. That is exactly what this amendment does when it orders us to make physical connection here, there, and elsewhere.

Mr. DENISON. If the gentleman from Louisiana can not see the distinction between the power to order a person or a State to do something that it has never undertaken to do, and the power to regulate it when it has undertaken to do a thing which the Constitution gives the Congress the power to regulate, that is the gentleman's misfortune. I can see the distinction.

Mr. MOORE of Virginia. May I interrupt the gentleman?

Mr. DENISON. I yield to the gentleman from Virginia.

Mr. MOORE of Virginia. I should like to call attention to the fact that in a preceding section of the bill, with reference to the power of the commission to require the joint use of terminals, provision was made for compensation. Is there in this section any provision for compensation? The gentleman from Louisiana [Mr. SANDERS] construes the provision as giving the commission the authority to control the operation and use of the docks at New Orleans. Can the commission, under that power, without compensation to the municipality, authorize the control and operation of those docks when it is understood that these docks produce a very large revenue to the State?

Mr. DENISON. We do not think that, and I do not think anyone would give that construction to it. The commission can not take the property of a private individual or a municipality or a State and let others use it without just compensation.

Mr. MOORE of Virginia. This does not seem to provide for any compensation.

Mr. DENISON. I do not think it is subject to that construction. Congress can not take private property or municipal property or State property and subject it to the use of others without just compensation. That would be a violation of the Constitution.

Mr. SANDERS of Louisiana. May I ask the gentleman a question?

Mr. DENISON. Yes.

Mr. SANDERS of Louisiana. Can the gentleman read anywhere in this section the right of Congress to order the State of Louisiana to build the connecting link called for here at the pleasure of the Interstate Commerce Commission? And is there any compensation for that or is there any compensation offered in this bill for the use of the docks?

Mr. DENISON. Let me tell the gentleman from Louisiana my view upon that question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. O'CONNOR. I ask that the gentleman's time may be extended two minutes.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent that the time of the gentleman from Illinois be extended two minutes. Is there objection?

There was no objection.

Mr. DENISON. Whenever the State of Louisiana, or the municipality of New Orleans, or any other State or municipality undertakes to perform the function of an interstate carrier, it thereby submits itself to the supreme power of Congress under the Constitution, and anything that the Congress can properly authorize the Interstate Commerce Commission to do to a railroad or a private individual it can do to a municipality or State; and the mere fact that the State chooses to do that thing does not exempt the State from all of the powers under the interstate commerce clause of the Constitution, or any of those powers.

Mr. SANDERS of Louisiana. Does the gentleman think that the Congress legally or morally can take the property of the State of Louisiana in whole or in part without compensation?

Mr. DENISON. No; I do not; and I have not said anything to intimate that.

Mr. SANDERS of Louisiana. I am glad the gentleman does not think that.

Mr. DENISON. I hope I have not said anything even intimating that.

Mr. STEVENSON. Mr. Chairman, of course, I take it that the gentleman's position is that if the people who own these docks consent to this use of them by the railroads, it will be all right. They can get the right in that way. Now, suppose they refuse their consent, how can you get their property except by condemnation proceedings? There is no power given here to condemn, is there?

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. DENISON. I am sorry I have not the time to answer the gentleman.

Mr. EDMONDS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. EDMONDS: Add after section 411 as a new paragraph:

"That the thirteenth paragraph of section 6 of the commerce act, which reads: 'When property may be or is transported from point to point in the United States by rail or water through the Panama Canal or otherwise, the transportation being by a common carrier or carriers, and not entirely within the limits of a single State, the Interstate Commerce Commission shall have jurisdiction of such transportation and of the carriers, both by rail and by water, which may or do engage in the same, in the following particulars, in addition to the jurisdiction given by the act to regulate commerce, as amended June 18, 1910,' be and is hereby amended to read: 'When property may be or is transported from point to point in the United States by rail or water through the Panama Canal or otherwise, the transportation being by a common carrier or carriers, and not entirely within the limits of a single State, there shall be a joint commission composed of three members of the Interstate Commerce Commission, and three members of the Shipping Board elected by each body, the commission to be known as the Federal Joint Commission on Rail and Water Traffic, which shall have jurisdiction of such transportation and of the carriers, both by rail and by water, which may or do engage in the same, in the following particulars.'"

Mr. ESCH. I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order.

Mr. EDMONDS. Mr. Chairman, I am rather inclined to believe that this amendment is subject to a point of order, but I hope that the point of order will not be made. During the last few days a number of Members, particularly those connected with the merchant marine and fisheries, have made an appeal to the committee not to place the water business so conclusively under the Interstate Commerce Commission, because we realize that if you want to give the death blow to the coastwise business of the merchant marine generally, you are going to do it by passing this legislation and putting the general supervision of the business where this committee seems to wish to place it.

There is no doubt that there should be on any commission that intends to take up the question of water facilities, the question of port facilities, some representation of some board that will represent the water business. At the present day the Interstate Commerce Commission has only one object in view, and that is to make the railroads in the country a success, and to take care of the interests of the people in the Government, of course.

But here we are placing an entirely dissimilar business, a business that has nothing to do with railroads, that operates in a different manner and under different conditions, placing it un-

der railroad conditions without giving the waterways people an opportunity to have a man on the board that has the final decision in making the rates. I trust, gentlemen, you will listen to this case, because it is the last opportunity we have to offer you anything in the bill to protect the water business of the country. If it is your intention not to do so, you will vote down the amendment. If the point of order is sustained, I will support the amendment offered by the gentleman from Louisiana to strike out the section.

The CHAIRMAN. Does the gentleman from Wisconsin make the point of order?

Mr. ESCH. I insist on the point of order, Mr. Chairman.

The CHAIRMAN. The amendment provides for the appointment of a new commission, to consist of certain members of the Interstate Commerce Commission and certain members of the Shipping Board, to have control over matters relating to navigation through the Panama Canal. In the opinion of the Chair the amendment offered by the gentleman from Pennsylvania proposing the creation of such a new commission, constituted as this is provided for in the amendment, is not germane to the section of the commerce act to which it is offered, nor to any provision of the act, and therefore the Chair sustains the point of order.

Mr. O'CONNOR. Mr. Chairman, I move to strike out the last two words.

Mr. SMALL. Mr. Chairman, I have several perfecting amendments, and I have been trying to get recognition by the Chair. I do not want to lose my rights.

The CHAIRMAN. The gentleman will be recognized later.

Mr. O'CONNOR. Mr. Chairman and gentlemen of the committee, I have no desire to differ from the very able gentleman from Illinois [Mr. DENISON] with respect to the legal conclusions that he has drawn with reference to the power of the Interstate Commerce Commission and in reference to the interstate traffic of this country. I do not intend to disagree with my able colleague from the State of Louisiana with respect to the rights he tries to preserve by virtue of his amendment, rights which are almost sacred to us, gentlemen. The dock commission of the city of New Orleans, as it is generally styled and referred to, had jurisdiction over that part of the river front of the Mississippi which begins four parishes above New Orleans—and a parish corresponds to your county division—in the district of my colleague, H. GARLAND DUPRE, and stretches way down across the front of New Orleans and that of the parish of St. Bernard, which is immediately in front of the battle ground on which the Battle of New Orleans was fought.

The construction and maintenance of these docks have cost the people of the city of New Orleans millions and millions of dollars. When I say it has cost the people of the city of New Orleans millions of dollars I want you to realize fully the significance of that statement. New Orleans is a city relatively poor. Per capita, I imagine, we are one of the poorest cities in the United States of America. There are any number of sad reasons for that fact—the Civil War, the occupation of that city by Ben Butler and its tragic memories, the yellow fever that followed, the calamities and catastrophes and afflictions that besieged us, the overflows, and a thousand other things that have come to try the souls of those people, until they have lost almost everything but their faith in their country. And yet she has, in spite of all these drawbacks and disasters, disasters and defeats that would have crushed any other people, become one of the finest cities in the world as a result of the willingness of her people to spend their all to make her commercially and industrially a great and well-equipped port to handle the commerce of the world and to maintain her financial integrity at any cost.

Aye, it may be truly said of New Orleans that there was a time when her people had lost all, as a result of vicissitude, but their honor. You gentlemen of the rich and opulent cities of the North and East do not know what these millions spent by our people to construct our wharves and warehouses and docks meant to the people of that city. They have spent those millions in perfecting a great and magnificent dockage system, which includes every facility known to modern mechanical genius in building up a port which challenges the admiration of the commercial world. We have built up a public railroad system there for the purpose of carrying the freight from all of the railroads that enter the city of New Orleans to the docks. We have a magnificent system, a system that was said by Gen. Black recently before the Committee on Merchant Marine and Fisheries to be one of the finest in the world. Gentlemen, you will easily understand the apprehension, you will understand the fear, of a people who have gone to that tremendous expense in an endeavor to make that port one of the great ports of the country, in respect to anything that might menace the position

they have laboriously ascended to and acquired as a result of years of sacrifice—sacrifice and toil that have no parallel in history. A bill as important as this and which contains so many features of vast possibilities to the commerce of the country ought to be submitted to our exchanges and commercial bodies before being taken up in this House. I do not like to refer harshly to any legislation that is being considered by this body, but, so far as I know, the only board of trade or association of commerce that I have heard from in connection with this bill is the Cleveland Board of Trade or association of commerce. The matter contained in this section, which is so important to the people of New Orleans and its industrial and commercial and financial life—

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. DUPRE. Mr. Chairman, I ask unanimous consent that my colleague may have two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. O'CONNOR. I repeat, this section is of sufficient importance in itself to justify me in saying and reiterating it that it should have been submitted to our trade boards in order that we might have had their advice and suggestion.

Mr. Chairman, this bill—and I can not repeat it too often—this bill should have been submitted to the various commercial exchanges of the country, and in all probability if this had been done we would have had a more carefully and better digested bill before us, and having had the advice of our commercial bodies we would have been better equipped for its discussion. I know that when news of this measure is carried to the people of that city, when the idea is carried to them that their all, that their labor and investment for years is endangered, that the Interstate Commerce Commission by its mere fiat can change its facilities from one part of that great river front to another, it will in all probability arouse a feeling among our people that their Representatives here have not been attending to their duties; that they have been recreant to their trust if they do not protest against the section and ask for a recommitment of this bill in its entirety.

I hope that this section and all other sections at the proper time will go over, in order that this proposed legislation might receive the consideration of commercial bodies, exchanges, and associations of commerce throughout this country. I do not believe that the agricultural interests are any too enthusiastic for its passage. I feel that wage earners view it with alarm and hostility, and that the commercial interests in our land may feel, out of sympathy for these two great branches of society and a desire to protect themselves against what may prove to be an ill-concocted bill, that it should be recommitted in order to secure a calmer and more deliberate and judicious and serene consideration than it has, in view of the turbulence and disturbances of the day and time.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR. Yes.

Mr. ESCH. The principles in this bill relating to interstate commerce were presented in a bill on the 2d day of July, and they have not been changed in this bill.

The CHAIRMAN. The time of the gentleman from Louisiana has again expired.

Mr. SMALL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SMALL. I have several amendments which I desire to offer to this section. May they all be read at the same time?

The CHAIRMAN. Without objection, they may be read for the information of the committee and offered at the proper time.

Mr. SMALL. Then I request that that be done, and offer the following amendments.

The CHAIRMAN. The gentleman offers an amendment which the Clerk will report, and he also offers amendments which may be read for the information of the committee and offered at a later time.

The Clerk read as follows:

First amendment offered by Mr. SMALL: Page 59, line 25, strike out the words "To establish" and insert in lieu thereof the words "They shall establish."

Second amendment offered by Mr. SMALL: Page 60, lines 1 and 2, strike out the words "irrespective of the ownership of the dock."

Third amendment offered by Mr. SMALL: Page 60, line 7, strike out the words "construct a suitable dock and"; page 60, lines 10, 11, and 12, strike out the words "Such docks shall be considered a terminal, within the meaning of that term as used in other sections of the act, and the powers here conferred are in addition to those provided in other sections."

Fourth amendment offered by Mr. SMALL: Page 60, line 14, strike out the words "docks and," and page 60, line 16, strike out the words "docks and."

Mr. SMALL. Mr. Chairman, I hope the chairman and other Members observed the text of the bill while the Clerk was read-

ing these proposed amendments, so that they will know what is sought to be stricken out. If I should be so fortunate in impressing the Members with the importance of these amendments as they appear to me I shall be very grateful, and I ask the attention of the chairman of the committee.

This section as it stands now confers upon the Interstate Commerce Commission jurisdiction over all docks, whether they be docks built by water lines or owned by railroads or municipalities or States. That is not a wise or necessary jurisdiction to confer upon the commission, but, upon the contrary, is most unwise and will work injustices in many cities of the country. The great docks at New Orleans, those at San Francisco, the new and magnificent docks at Seattle, at Los Angeles on the Pacific coast, at Philadelphia, at Baltimore, at Galveston on the Gulf—this gives the commission jurisdiction over all those docks and the power to make rates as to their use. Admitted it is a valid exercise of power, it is an unwise one, and I submit to the committee that those words proposed to be stricken out, which would take away that jurisdiction, ought to receive the sanction of the committee.

Mr. ALEXANDER. Will the gentleman yield?

Mr. SMALL. Yes; just for a question.

Mr. ALEXANDER. If this amendment were not agreed to and this provision is written into the law, will it not discourage municipalities and States to provide these terminal facilities?

Mr. SMALL. Absolutely, and I just heard a gentleman a while ago speaking in reference to a city upon the Gulf say that if this section were passed a certain referendum at which the question of issuing bonds was to be taken would result unfavorably in a bond issue. Certainly it would discourage municipalities over the land from creating and constructing municipal water terminals. Mr. Chairman, this section goes further and gives the commission power to compel boat lines to build docks or terminals. That is an unwise conferring of jurisdiction upon the commission and it would deter the construction of boats and the operation of boat lines. These amendments which have been offered on page 60 remove these difficulties and leave the section, in my opinion, a very wise one.

Mr. DENISON rose.

Mr. SMALL. In a moment. And over here on page 59 at the bottom almost of the section I change the words "to establish" to the words "they shall establish." In other words, it makes it mandatory upon the commission to establish connection between rail lines and water lines. It is a different sort of an amendment from the other. I now yield to the gentleman from Wisconsin.

Mr. ESCH. On page 3010 of the hearing in the amendment submitted by the gentleman from North Carolina I find this provision: "The provisions of this paragraph shall apply to cases where the dock or water terminal is owned by the municipality or other public agency or by any body other than the water carrier involved." Is that the gentleman's attitude now?

Mr. SMALL. If that be my expression at that time I certainly do not agree with it now, and however unfortunate the expression was I have never maintained the thought that the Interstate Commerce Commission should have power over docks and terminals owned by boat lines and municipalities. The only thought I ever had was that those terminals should be used for the interchange of traffic between rail lines and water lines and I have always insisted that the commission should have power to effect an interchange of traffic, but never to the extent to which this section goes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMALL. I ask that I may have five minutes additional.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SMALL. I yield to the gentleman from Illinois.

Mr. DENISON. I was going to say to the gentleman from North Carolina that the very high respect which the committee had for the opinion of the gentleman from North Carolina went a long way to induce the committee to put this provision in the bill.

Mr. SMALL. Well, if the committee exercised such high compliments in an individual in framing the bill can not they just exercise a little bit at this particular moment?

Mr. DENISON. The committee, I will say to the gentleman, can not change its mind every time the gentleman from North Carolina does. [Laughter.]

Mr. SMALL. To be serious, this speaker has never changed his mind; he has always, or certainly for years in studying the matter, been strongly of the opinion that there should be an interchange of traffic between rail lines and boat lines.

Mr. DUPRE. Will the gentleman yield?

Mr. SMALL. In a moment I will. And that the law should both authorize and compel this exchange of traffic, and this provision gives the commission the power to make rates that absolutely control in every respect these terminals.

Mr. DUPRÉ. With regard to the rather unfortunate interpolation of the gentleman from Illinois [Mr. DENISON], can you imagine anything worse than the way that the committee out of which this bill has been reported has changed its mind so often, including the gentleman from Illinois [Mr. DENISON]? I shall be very glad to have a reply to that.

Mr. SMALL. The gentleman has answered it already.

Mr. DUPRÉ. No. I am adverting to the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. I beg the gentleman's pardon. I was occupied and I did not hear the gentleman.

Mr. DUPRÉ. I think the gentleman was very wisely occupied, because I propounded a question he never could answer in behalf of his committee.

Mr. SMALL. Mr. Chairman, who should build water terminals? This section gives the commission the power to compel water lines to build terminals. I submit, and the experience of all commercial boards is to the same effect, that water terminals should be built by some public agency, preferably the municipalities. It is very seldom that water lines have the capital to build adequate terminals. Very seldom ought a railroad be compelled to expend the necessary capital for their construction. But as they are largely in the interest of the communities I believe it is a fair statement that, and it is the consensus of opinion by all students of this subject of terminals, they should be constructed by the municipalities or some agency of the State, and should be dedicated to public use and regulated in the interest of the public. I think, therefore, that this section proceeds upon a wrong theory. The commission ought to have been given the power to compel the use of the terminals as between the boat line and the rail line—to compel connections. But as to the revenue to be derived from the terminals, as to the rates to be charged, certainly the community whose money has gone into it should have something to say as to that. And the community, being more acutely interested in building up through commerce between the boat line and the water line than anyone else can possibly be, certainly would not oppose a proper rate or do anything that would prevent the interchange of traffic between the boat line and water line. I submit that the criticism of the gentleman from Louisiana is well founded, and I hope the amendment will be adopted.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GOODYKOONTZ. Mr. Chairman, the gentleman from Louisiana [Mr. SANDERS] having discussed this proposition from the standpoint of a municipality that objects to the provision of the bill, I propose to discuss it briefly from the standpoint of a private owner of a dock who demurs at the passage of an act which will authorize the transportation companies of the country to confiscate his dock.

Coming out of the great Pocahontas coal field of West Virginia are three great trunk line railroads—the Norfolk & Western, the Chesapeake & Ohio, and the Virginian. They converge at Norfolk. And down there at times, when a great many vessels come into port, the traffic becomes congested. In my district, which includes the Pocahontas field, I have a constituent, a very large shipper of coal, a company that produces and ships over a million of tons of coal a year. That company, in order to obviate the difficulties at the port of Norfolk, and at great expense, built a private dock in order that when coal is moving out in a continual stream—especially during cold winter weather—and the terminals are congested, that such coal might be diverted to this company's private docks and there loaded on vessels which they own, to the end that it be transported and delivered at ports along the Atlantic seaboard.

Now, we object to conferring upon the Interstate Commerce Commission the power, in the interest of the railroads, or even of the public, to take this dock. I am not arguing about due process of law or the right of exercise of eminent domain, or of remuneration, or anything of the kind. We have built the dock; it is private property; and if the railroads want additional facilities at this terminal let them go to the expense of building such facilities, as they should. [Applause.]

Mr. SANDERS of Indiana. Mr. Chairman, I move to strike out the last word.

It seems to me that we are not only within our constitutional rights, but it is also clearly our duty, to make this provision in this law. There is a great cry from those who have constructed docks against what they call an encroachment on their private rights. But, after all, the rivers and harbors of this great Nation are in the Commonwealth, and the uses of the docks should belong to the entire country.

It is claimed that New Orleans had a dock which was built by the State, or the municipality—I do not remember which—and they have a belt road around there, and it is claimed that it would be a great injustice to the city of New Orleans or the State of Louisiana if we compelled railroad connection with that dock. If we were to concede that there was not power in the Congress of the United States to control the docks of those municipalities, we would grant the power in the municipality or in the State to absolutely control all of interstate commerce; and the same gentlemen—I am not referring to Members of Congress—who are so anxious now to protect the dock down there from what they regard as an infringement invoked the power of the Interstate Commerce Commission in the famous New Orleans case to compel the connection by rail carriers with the belt road around the dock and also to compel the division of freight rates.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. O'CONNOR. Who built the public dock that the railroads are compelled to connect with?

Mr. SANDERS of Indiana. I understand it was either the State of Louisiana or the municipality—at least, that is my understanding—and that the same authority which now wants to be left absolutely alone, and which now says that the Interstate Commerce Commission has no power to deal with it, invoked the power of the Interstate Commerce Commission in order to get railroad connection and in order to use the power of the Federal Government to compel connection with the belt road around that selfsame dock.

Mr. O'CONNOR. Was it not for the purpose of compelling the railroads to do that which the Interstate Commerce Commission is at this late date trying to make them do?

Mr. SANDERS of Indiana. They want benefits from the Federal Government and from the power of the Federal Government when it is for their own needs, but in the event they have a monopoly down there they want to say, "We have this; we are going to control every particle of connection with this dock; and we do not think that the Interstate Commerce Commission has any power over the subject matter."

Mr. SMALL. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. I can not just now. So far as the constitutional power is concerned, it has been settled so long and so well that it should not be now in dispute. In the famous case of Gibbons against Ogden the court said—

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. SANDERS of Indiana. Mr. Chairman, I ask leave to proceed for two minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. SANDERS of Indiana. In that case the court said:

But in regulating commerce with foreign nations the power of Congress does not stop at the jurisdictional lines of the several States. It would be a very useless power if it could not pass those lines. The commerce of the United States with foreign nations is that of the whole United States; every district has a right to participate in it. The deep streams which penetrate our country in every direction pass through the interior of almost every State in the Union and furnish the means of exercising this right. If Congress has the power to regulate it, that power must be exercised whenever the subject exists. If it exists within the States, if a foreign voyage may commence or terminate at a port within a State, then the power of Congress may be exercised within a State.

Further, in this same case, it says:

This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations, other than are prescribed in the Constitution. These are expressed in plain terms and do not affect the questions which arise in this case or which have been discussed at the bar. If, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations and among the several States is vested in Congress as absolutely as it would be in a single government, having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States.

And, Mr. Chairman, this is a wise exercise of that power, because it is not arbitrary, but under the control of the Federal tribunal, which will deal justly with all parties. So far as provision of notice and hearing is concerned, I have no objection to a provision covering notice and hearing, if desired. [Applause.]

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. LAGUARDIA. Mr. Chairman, I rise to support the amendment offered by the gentleman from North Carolina [Mr. SMALL].

The conditions in New York are such that we have spent more money on our docks than any other half dozen ports in the United States, and we now have under consideration a comprehensive scheme, not only for New York but all the New

Jersey ports, for a port which will include all the water front around New York and the Jersey side. A commission has been appointed by both States. A treaty has already been drafted and now awaits approval by the legislatures of both States. A plan is now under consideration for constructing or extending tracks along the entire water front. This would immediately bring all our municipal docks under the jurisdiction of the Interstate Commerce Commission if the bill is not amended.

We now have under contract to build six 1,000-foot docks in the port of New York. These docks have already been leased, I understand. We do not want any interference with the building or control of these improvements. This is one of the vital problems of our city. Now, while of course we favor any scheme that will connect our docks with railways and steamship lines, you can not come in and take complete jurisdiction of those docks which we have spent hundreds of millions of dollars to build.

Then there is this further danger, that if we give the power to the Interstate Commerce Commission to fix the rates on these docks, what guaranty will we of New York have that the rates will not be fixed to the detriment of the port of New York?

Mr. WINSLOW. Common sense.

Mr. LAGUARDIA. Well, if we have only the common sense of the Interstate Commerce Commission to depend on, then, of course, I shall support the amendment offered by the gentleman from North Carolina. [Laughter.] One of the first duties I shall have to take up in my new office is the matter of the port. I can assure the House the city of New York will develop the port to the very limit, but this I fear might hamper the plans. I urge the Members to support the pending amendment, and not to give entire jurisdiction of dock matters to the Interstate Commerce Commission.

The CHAIRMAN. The question is on the amendment of the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Chairman, I ask unanimous consent that all the amendments proposed by me may be voted on together.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the amendments offered by him may be voted on en bloc. Is there objection?

There was no objection.

The question being taken, on a division (demanded by Mr. SMALL) there were—ayes 102, noes 51.

Accordingly the amendments were agreed to.

The CHAIRMAN. The question now recurs on the motion of the gentleman from Louisiana [Mr. SANDERS].

Mr. SANDERS of Louisiana. The purpose of my amendment having been satisfied by the adoption of the Small amendments, I ask leave to withdraw my motion.

The CHAIRMAN. The gentleman asks unanimous consent to withdraw his motion to strike out the section. Is there objection?

There was no objection.

Mr. PELL. Mr. Chairman, common sense will suggest that an intelligent coordination by the railroads would effect economy and produce a more efficient service. By far the worst part of our railroad policy in the past has been the elevation of competition to the place of a sacred dogma; every railroad, in fact, enjoys a monopoly over its own lines, and we all see the evils of parallel roads. Of course, unregulated pooling would be unwise, but this hardly strikes me as a good argument against any and all forms of common action.

If we wish to get the lowest rates for the public and the highest pay and most steady positions for the men, we must permit the railroads to make use of all legitimate economies and to distribute the load in the best way. Any interference with the efficient management of the roads as transportation agents must be paid for either by the public or by the employees, just as such interference in the financial management must be paid for by the stockholders. In both cases we must have a commission to regulate affairs, but the duty of this commission is, and should be, to insure efficient and honest management rather than the maintenance of an economic dogma, and it should be allowed to give a free hand and strict supervision.

By unanimous consent, Mr. TILSON, Mr. RICKETTS, and Mr. MILLER were given leave to extend their remarks in the Record.

The Clerk read as follows:

Sec. 412. Paragraphs (b) and (c) of the thirteenth paragraph of section 6 of the commerce act are hereby amended:

"(b) To establish through routes and joint rates, or maximum, or minimum, or maximum and minimum joint rates, between and over such rail and water lines, and to determine all the terms and conditions under which such lines shall be operated in the handling of the traffic embraced.

"(c) To establish proportional rates, or maximum, or minimum, or maximum and minimum proportional rates, by rail to and from the ports to which the traffic is brought, or from which it is taken by the water carrier, and to determine to what traffic and in connection with what

vessels and upon what terms and conditions such rates shall apply. By proportional rates are meant those which differ from the corresponding local rates to and from the port and which apply only to traffic which has been brought to the port or is carried from the port by a common carrier by water."

Mr. ESCH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. ESCH], a member of the committee, offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 60, line 25, after the word "amended" and before the colon, insert the words "to read as follows."

The amendment was agreed to.

Mr. JOHNSON of Washington. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: Amend by inserting, on page 61, after the word "water," in line 15, a new section, as follows:

"Sec. 412½. Section 15 of the commerce act is hereby further amended by adding at the end thereof a new (11) paragraph:

"It shall be unlawful for any United States carrier or carriers by rail or water to participate in the continuous or interrupted transportation of passengers or property from any place in the United States through a foreign country to any other place in the United States, or from or to any place in the United States to or from a foreign country, where the through rate, or through charge by combination of rates for such transportation, whether by rebate, by absorption of storage charges, wharfage charges, or any other charge or charges, or in any manner whatsoever, shall be less than the through rate or through charge by combination of rates between such points filed with the Interstate Commerce Commission or the United States Shipping Board, or the Interstate Commerce Commission and the United States Shipping Board, applying of such time for like transportation by the United States carriers by rail or water, or by rail and water, and any person violating the provisions of this paragraph shall be guilty of a misdemeanor, and shall on conviction be punished by a fine not to exceed \$1,000."

Mr. SANDERS of Indiana. Mr. Chairman, I make the point of order that that amendment is not germane to this section. It deals with section 15 of the interstate-commerce act, which is covered in section 418. I doubt if it is germane at all, but if it is it is not germane to this section.

Mr. JOHNSON of Washington. Mr. Chairman, I shall be glad to accept the word of a member of the committee as to where he thinks this amendment should be offered. I think it would be entirely germane, owing to the provisions of the bill in section 400.

Mr. SANDERS of Indiana. I do not concede that the gentleman's amendment would be germane there.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. SMALL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 61, strike out lines 1 to 5, inclusive.

Mr. SMALL. Mr. Chairman, this motion is to strike out paragraph (b). Paragraph (b) is in substance the existing paragraph (b) in the interstate commerce act. The existing law reads as follows:

To establish through routes and maximum joint rates between and over such rail-and-water lines, and to determine all the terms and conditions under which such lines shall be operated in the handling of the traffic embraced.

The substitute for that in this bill authorizes them to establish through rates and joint rates. Then follows the maximum or minimum, or the maximum and minimum joint rates between every such rail or water line, and so forth.

The objectionable feature of the substitute is that it gives the Interstate Commerce Commission the power to fix minimum water rates. This power ought not to be exercised by the commission.

Mr. BRIGGS. I was about to ask the gentleman what the effect would be.

Mr. SMALL. The effect would be to interchange the traffic between water and rail. The commission could fix a minimum rate, such a rate as would impair the water transportation on the water line. We have an illustration of what has occurred during the control of the railroads by the Federal Government. On the Erie Canal and other waterways the United States Railroad Administration fixed the water rates so high that they were comparable with the railway rates, and fixed them high, they said, in order that the traffic might not be taken away from the railroads.

Mr. BRIGGS. Might it not be that the minimum would be very much in excess of water rates which would give the water transportation a good profit?

Mr. SMALL. Yes; and that is a power that might be misused, and was misused by the United States Railroad Administration. It is a power which ought not to be given to any Federal agency. Water is free and the water lines ought to be free. They are entitled to apply any rate which will give them a profit, because however low the rates may be it is the public which benefits from it. The power ought not to be conferred on the commission even in fixing a joint rate partly by rail and partly by water to make a minimum rate on the water line. It is a dangerous power to confer and might be misused against the interests of the public. I think, therefore, that the law as it now stands—and you can read it in the interstate commerce act—is the best form of law in the interest of the public.

I may say that I overlooked a danger of this minimum provision in the bill when it was first offered by the distinguished chairman of the Interstate Commerce Committee [Mr. ESCH], and it was only later in considering the matter further that I realized the unwise power given to the Interstate Commerce Commission to fix the minimum rates.

Mr. EDMONDS. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. EDMONDS. Does not the gentleman think that the minimum rate in paragraph (c) is just as dangerous?

Mr. SMALL. Paragraph (c) does not apply to water lines but to the railroads, and therefore I do not include paragraph (c) in my motion to strike out.

Mr. CLEARY. Mr. Chairman, I might give some illustration as to the working of this abuse. Last year, for instance, a delegation from New York came down here in vacation time, and I came with them. The people from various parts of New York State came and we waited upon Mr. McAdoo because the Erie Canal was not being conducted successfully. I did most of the talking with Mr. McAdoo, as I was familiar with the situation. I told him that the canal has got to have a very much lower rate than the rail to get any business.

That is so, for various reasons. There is, for instance, the insurance, and also the fact that the shippers were more familiar with shipping by rail than by boat, and they did not have to ship in such large quantities and all those things. I suggested that there was something that he should do, that he should name a rate from New York to all points west by rail, and then he should name a rate ex boats from Buffalo, so that the boats might carry it for any rate they pleased between New York and Buffalo and thus give people the benefit of the canal. His reply to that was that he could not afford to let the water routes do what they wanted to because he had to protect the railroads. That is an illustration.

I might refer to another matter, such a case as this clause. I was for 25 years vice president of the Lake Champlain Transportation Co. The greatest business on that route, which included the Champlain Canal which runs from Troy to Whitehall, connected with Lake Champlain, and then 45 miles over the lake to the mines, was in ore. That ore is sold through Pennsylvania. For instance, the Bethlehem Steel Co. bought great quantities of it. I used to contract year after year for large quantities. We used to pro rate. I used to make a deal with the general freight agent of the Pennsylvania road and with other roads, who would put on his price and I would name mine, and then we would issue the tariff, and that would be the through rate. The Interstate Commerce Commission never exercised the right to make a minimum rate with us. It merely allowed us to make a rate, and not to make it any more to Reading than to Harrisburg, so that the shippers in Pennsylvania could get the benefit of the rate on the same basis. If the Interstate Commerce Commission should exercise the right to make a minimum rate, and if that minimum rate was made too high, the Delaware & Hudson would get all the iron-ore trade and that water route would not get any, and I will tell you why. I have been at all of these iron mills up through eastern Pennsylvania. They prefer to get the ore by rail because it is not necessary in that case to buy large quantities, to store it. To get the benefit of the water rates they have to bring in thousands of tons. I had a contract with the Bethlehem Steel Co. for 100,000 tons to be brought in one season alone. Of course, to do that you have to store it, and the same was true with all these other concerns up through the Schuylkill and the Lehigh Valleys. They had to put in this ore in large quantities and, of course, they had to shovel it some, away from the tracks, so that they could dump the cars, because the cars took it from us at Jersey City. They had to take a large amount in order to make use of water routes, but when they received it by rail the cars kept coming every day in small quantities comparatively,

and it saved them the investment in a large stock as well as being more convenient. I make this point just to show that if the Interstate Commerce Commission through an error or on purpose made a minimum rate too high, they would simply rule out that water route entirely. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

Mr. ESCH. Mr. Chairman, in the amendment proposed by the gentleman from North Carolina [Mr. SMALL] to our committee, as reported in the hearings, he made this proposition:

(b) Upon application of any responsible water carrier, the commission shall establish through routes and joint rates for maximum or minimum or minimum and maximum joint rates between and over such rail and water lines, and determine all the terms and conditions under which such lines shall be operated in the handling of the traffic embraced.

The bill before you practically uses those identical words with reference to the rates. It is not for me to judge of the reasons which induced the gentleman from North Carolina to change his mind. The committee, however, was persuaded that we should give to the Interstate Commerce Commission the power to establish through routes and joint rates, or maximum or minimum, or maximum and minimum, joint rates between and over such rail and water lines. You will notice the second paragraph, (c), gives the commission power to establish proportional rates, or maximum or minimum, or maximum and minimum proportional rates by rail.

Now, how easy it would be if we maintained power in the commission to fix proportional rates by rail and do not give the commission power to fix a minimum joint rate so far as it applies to the water haul. I think that gentlemen should stand by this provision of the bill as it has been drawn. It has the indorsement of the Interstate Commerce Commission, and the commission believed, and so stated, that unless they could have this power to fix a joint rate, the maximum and the minimum, it would not be able to regulate and control commerce in the interest of the people. I believe in giving the commission power to fix a minimum rate or a maximum rate, or a minimum and maximum rate, which in effect gives the commission the power where it deems necessary to fix the absolute rate.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. ESCH. I will.

Mr. MOORE of Virginia. Is not that necessary, I will ask the chairman, in order to prevent discrimination?

Mr. ESCH. Absolutely so.

Mr. MOORE of Virginia. Now, may I ask the chairman another question? Take the Erie Canal case, just instanced a while ago. There is not anything in the bill that would apply to that case?

Mr. ESCH. No.

Mr. MOORE of Virginia. Because that is absolutely water transportation and not within the meaning of the provision we are on.

Mr. ESCH. No. That might have been in the original provision of the bill, but it does not affect the question of the Erie Barge Canal, because we have eliminated from this bill transportation by water or port-to-port traffic. This power is necessary in the commission in order to prevent, as the gentleman from Virginia well says, discrimination, and there is no man here who does not desire that.

Mr. SIMS. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I am opposed to giving the commission or any other regulatory body the right to fix a minimum rate either on rail or water. Why not let us have competition that amounts to something? Competition in service is all you have now. Why not have competition in the movement of tonnage? Whatever reduces the rate benefits the country. Let the railroads compete as to minimum rates. There is plenty of law providing against discrimination either against persons or localities. This is holding the bag at both ends absolutely and preventing competition at both ends. They ought not to have power to make minimum rates on rail or on water, or joint rail and water routes. I think that the minimum ought to go out of both paragraphs (b) and (c), but the maximum may be written in both, and the rates heretofore have always been so provided. I hope the amendment will be adopted, and that the same amendment will be made to paragraph (c).

Mr. OSBORNE. Mr. Chairman, I desire to speak in opposition to the pro forma amendment. I want to make this suggestion. There ought to be no fixed minimum rate, as stated by the gentleman from Tennessee just now. What is going to be the effect of fixing minimum rates on the Panama Canal? What effect is it going to have upon the purpose of that canal to transport goods from coast to coast at the lowest possible rate? It can have no other effect than to build up, or make greater, rates through the Panama Canal so as to even up with the

rates of the railroads. That is the avowed purpose—that there shall be complete control and practically no competition. Now, Mr. Chairman, you will find if you will look at the hearings on this bill that Mr. Clarke, a member of the Interstate Commerce Commission, made this statement illustrating the point I am making. He said:

In my opinion the most disturbing element in the transcontinental and intermountain rates since the Panama Canal was opened has been the fact that at the beginning the steamship lines in their desire to get the maximum traffic made their rates too low.

Now, the people on the Pacific coast do not think the rates are too low, nor that they are in danger of being too low, and I do not think that there should be in this bill any provision for minimum rates, at least on waterways.

Mr. HICKS. Mr. Chairman, I would like to ask the chairman of the committee a question. As I understand it, and I think I am clear, but it may be that some of the Members from New York are not clear on the subject, there is nothing in this bill anywhere which gives the Interstate Commerce Commission jurisdiction over the Erie Canal, except where there is a question of joint rates involved?

Mr. ESCH. Joint rail and water rates.

Mr. HICKS. Joint rail and water rates involved. Is that correct?

Mr. ESCH. Yes.

Mr. BLAND of Indiana. Mr. Chairman, I desire recognition in opposition to the pro forma amendment. I would like to ask permission to proceed out of order long enough to have a telegram read with reference to the mining situation.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to proceed out of order with reference to the mining situation. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the telegram referred to.

The Clerk read as follows:

BIRMINGHAM, ALA., November 14, 1919.
HON. OSCAR E. BLAND, M. C.,
Washington, D. C.:

From the hundreds of men reporting to this office who have been refused employment, there seems to have been concerted action of the coal operators at a meeting held in this city Wednesday to destroy our organization by requiring men to renounce the union and give up their working buttons before being reemployed. Refusal to reemploy men has been taken up by telegraph with Attorney General Palmer, who replied he would take prompt action against any operators who adopt such methods of restricting production; and he has authorized his representative, Reese Murray, to investigate at once, and to whom we have given detailed information. Hundreds of our men and their families are without food, and our funds tied up by order of the court, thus forbidding any relief. In our opinion, the Government, having by its mandate temporarily deprived them of their only power to force their reinstatement, is obligated to force instant reinstatement of all mine workers reporting for work. Use your influence to bring prompt and speedy action and it will be highly appreciated.

GEORGE HARGROVE,
International Representative,
United Mine Workers of America.

The CHAIRMAN. The question is on the amendment of the gentleman from North Carolina [Mr. SMALL].

Mr. BLAND of Indiana. Mr. Chairman, I would like to speak further, if my time is not exhausted, under the five minutes allowed.

The CHAIRMAN. The gentleman asked unanimous consent to proceed out of order for the purpose of having a telegram read.

Mr. BLAND of Indiana. I now ask to proceed for the length of time within the five-minute rule.

The CHAIRMAN. Without objection, the gentleman will proceed.

Mr. BLAND of Indiana. Mr. Chairman, if this state of facts is true, and miners in order to get a job must renounce their unions, something ought to be done. I do not think the present coal crisis should be used as a means of breaking up any organization of laboring men. I think the investigation promised by the Attorney General ought to be speedy and prompt and thorough. The United Mine Workers of America have shown their patriotism not only during this war that we have recently gone through, but they have shown it by their president saying in a recent statement that they would not fight their Government. And they have yielded to the Government's advice and influence in the matter. I feel if their obedience to governmental orders is used as a pretext for breaking up their organization it ought to be frowned upon by the governmental authorities, and some one should be made to answer. I am calling the matter to the attention of the House at this time in order that the Members may have it before them for consideration.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. SMALL].

The question was taken, and the Chair announced that the yeas appeared to have it.

Mr. SMALL. Division, Mr. Chairman.

The committee divided; and there were—yeas 65, noes 57.

Mr. DENISON. Mr. Chairman, I ask for tellers.

Tellers were ordered, and Mr. DENISON and Mr. SMALL took their places as tellers.

The committee again divided; and there were—yeas 81, noes 59.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. BLAND of Missouri. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

Mr. CALDWELL. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from New York rise?

Mr. CALDWELL. To call the gentleman's attention to the fact that it is now one minute after half past 5, and he agreed that he would move to rise at half past 5.

Mr. ESCH. Mr. Chairman, I ask that the amendment merely be read.

The Clerk read as follows:

Amendment offered by Mr. BLAND of Missouri: On page 61, between lines 15 and 16, as part of paragraph (b), insert: "The absorption out of its port-to-port water rates, or out of its proportional through rate, by a water carrier, of the switching, terminal, lighterage, car rental, trackage, handling, or other charge by a rail carrier, for services within the switching, drayage, lighterage, or corporate limits of a port terminal or district, shall not be held to constitute 'an arrangement for a continuous carriage or shipment' within the meaning of the act to regulate commerce, and shall not subject such water carrier to the provisions of such act."

Mr. ESCH. Mr. Chairman, I move that the committee do now rise.

Mr. BLAND of Missouri. Mr. Chairman, I ask to have a clerical error corrected, so that it will appear as paragraph "(c)" instead of paragraph "(b)."

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Wisconsin [Mr. Esch] moves that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10453) to regulate commerce and had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. CRAGO. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered by Justice Stafford on October 27 at the rededication of the supreme court courthouse in the District of Columbia.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD by printing the address referred to. Is there objection?

Mr. BLANTON. Reserving the right to object, I would like to ask the gentleman of what public significance this speech is that would make it of interest to the public or to Congress or anybody in going into the CONGRESSIONAL RECORD?

Mr. CRAGO. It is a short and beautiful address delivered at the dedication of the courthouse. It is one of the most perfect word pictures of law and order that I have heard in recent years.

Mr. BLANTON. It is on law and order?

Mr. CRAGO. Yes.

Mr. BLANTON. Then I have no objection.

The SPEAKER. Is there objection?

There was no objection.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 425. An act to establish the Zion National Park in the State of Utah.

LEAVE OF ABSENCE.

Mr. KAHN, by unanimous consent, was granted leave of absence for the remainder of the session, on account of important business.

METROPOLITAN POLICE, DISTRICT OF COLUMBIA.

Mr. MAPES. Mr. Speaker, I ask unanimous consent that I may have the right to file the conference report on the bill H. R. 9821 for printing in the RECORD under the rule until 12 o'clock to-night.

The SPEAKER. The gentleman from Michigan asks unanimous consent to submit for printing under the rule the conference report on the police bill up to midnight to-night. Is there objection?

There was no objection.

Following are the conference report and accompanying statement:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to H. R. 9821, "An act to amend an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"That paragraphs 2, 8, and 9 of section 1, of the act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901, as amended by the act approved June 8, 1906, entitled 'An act to amend section 1 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901,' are hereby amended to read as follows:

"**PAR. 2.** The commissioners of said District shall appoint to office, assign to such duty or duties as they may prescribe, and promote all officers and members of said Metropolitan police force: *Provided*, That all officers, members, and civilian employees of the force, except the major and superintendent, the assistant superintendents, and the inspectors, shall hereafter be appointed and promoted in accordance with the provisions of an act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, as amended, and the rules and regulations made in pursuance thereof, in the same manner as members of the classified civil service of the United States: *Provided further*, That hereafter the assistant superintendents and inspectors shall be selected from among the captains of the force and shall be returned to the rank of captain when the commissioners so determine: *Provided further*, That privates of class 1, if found efficient, shall serve one year on probation, privates of class 2 shall serve two years subsequent to service in class 1, and privates of class 3 shall include all those privates who have served efficiently three or more years."

"**PAR. 8.** That the annual basic salaries of the officers and members of the Metropolitan police of the District of Columbia shall be as follows: Major and superintendent, \$4,500; assistant superintendents, \$3,000 each; inspectors, \$2,400 each; police surgeons, \$1,600 each; captains, \$2,400 each; lieutenants, \$2,000 each; sergeants, \$1,800 each; privates of class 3, \$1,660 each; privates of class 2, \$1,560 each; privates of class 1, \$1,460 each. Members of said police force who may be mounted on horses, furnished and maintained by themselves, shall each receive an extra compensation of \$540 per annum; and members of the said force who may be mounted on motor vehicles, furnished and maintained by themselves, shall each receive an extra compensation of \$480 per annum; and members of the said force who may be mounted on bicycles shall each receive an extra compensation of \$70 per annum: *Provided*, That patrol drivers of the Metropolitan police are hereby declared to be members of the Metropolitan police of the District of Columbia, but shall not be rated above class 2 privates, and those patrol drivers who have been appointed since April 6, 1917, shall be required to pass the usual physical and other tests required for members of the regular force: *Provided further*, That every officer or member of the Metropolitan police at the time this act becomes law, shall, in addition to the salary received by him for his period of service between August 1, 1919, and the time this act becomes law, receive for such period the difference between such salary and the salary payable to him under the provisions of this act, for a period of equal duration."

"**PAR. 9.** No member of the Metropolitan police of the District of Columbia shall be or become a member of any organization, or of an organization affiliated with another organization, which itself, or any subordinate, component or affiliated organization of which holds, claims, or uses the strike to enforce its demands. Upon sufficient proof to the Commissioners of the District of Columbia that any member of the Metropolitan police of the District of Columbia has violated the provisions of this section, it shall be the duty of the Commissioners of the District of Columbia to immediately discharge such member from the service."

"Any member of the Metropolitan police who enters into a conspiracy, combination, or agreement with the purpose of substantially interfering with or obstructing the efficient conduct or operation of the police force in the District of Columbia by a strike or other disturbance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not

more than \$300 or by imprisonment of not more than six months, or by both."

"No officer or member of the said police force, under penalty of forfeiting the salary or pay which may be due him, shall withdraw or resign, except by permission of the Commissioners of the District of Columbia, unless he shall have given the major and superintendent one month's notice in writing of such intention."

"**SEC. 2.** That one-half of the amount necessary to provide for the increased salaries and compensation of the Metropolitan police authorized in this act is hereby appropriated out of any money in the Treasury not otherwise appropriated, and the other one-half out of the revenues of the District of Columbia, to supplement the amounts appropriated for the members and employees of the Metropolitan police mentioned in the act entitled 'An act making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1920, and for other purposes,' approved July 11, 1919."

"**SEC. 3.** That the watchmen provided by the United States Government for service in any of the public squares and reservations in the District of Columbia shall hereafter be known as the 'United States park police,' and their annual basic salaries shall be as follows: Lieutenant, \$1,900; first sergeant, \$1,700; sergeants, \$1,580; privates, \$1,360: *Provided*, That every watchman employed for such service at the time this act becomes law shall, in addition to the salary received by him for the period of service between August 1, 1919, and the time this act becomes law, receive for such period the difference between such salary and the salary payable to him under the provisions of this section for a period of equal duration."

"**SEC. 4.** That to provide for the increased salaries and compensation of the United States park police, so much as is necessary is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to supplement the amounts appropriated for park watchmen mentioned in the act entitled 'An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes,' approved March 1, 1919."

And the Senate agree to the same.

CARL E. MAPES,

N. J. GOULD,

JAS. P. WOODS,

Managers on the part of the House.

LAWRENCE Y. SHERMAN,

WILLIAM M. CALDER,

MORRIS SHEPPARD,

Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to H. R. 9821, entitled "An act to amend an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901, and for other purposes," submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to the amendment of the Senate, namely:

The Senate amendment struck out all after the enacting clause of the House bill and inserted a substitute therefor. The House recedes from its disagreement to the amendment of the Senate and agrees to the same with amendment as reported by the committee of conference.

The Senate recedes and accepts the House provisions as to the salaries of officers and members of the Metropolitan police force, except the salary for police surgeon, which was fixed at \$1,600 per annum, instead of the House provision of \$1,400 and the Senate provision of \$1,800; except the salary of captain, which was fixed at \$2,400 per annum, instead of the House provision of \$2,300 and the Senate provision of \$2,500; except the extra compensation of mounted police, which was fixed at \$540 per annum, instead of the House provision of \$480 and the Senate provision of \$600; and except the extra compensation of bicycle police, which was fixed at \$70 per annum, instead of the House provision of \$60 and the Senate provision of \$75.

The compensation of the major and superintendent, the assistant superintendents, inspectors, lieutenants, sergeants, and privates of classes 1, 2, and 3, and the compensation of the members of the force mounted on motor vehicles remain the same as in the House bill.

The conference report accepts the provision of the Senate amendment requiring the appointment and promotion of the officers, members, and civilian employees of the Metropolitan

police to be made according to the provisions of the civil-service act, except the major and superintendent, the assistant superintendents, and the inspectors, and provides for two assistant superintendents, as provided for by the Senate.

The House provision, which in effect prevents the members of the police force from joining any organization affiliated with another organization which holds, claims, or exercises the right to strike is retained with an amendment to perfect the text. The Senate recedes from the so-called "Myers amendment," which would extend the scope of this provision to all organizations of Federal employees.

The Senate provisions making it a misdemeanor for any member of the Metropolitan police force to enter into a conspiracy, combination, or agreement with the intent or purpose of substantially interfering with the efficient conduct or operation of the police force in the District of Columbia by a strike or other disturbances is retained.

The conferees accepted the provision of the Senate amendment providing for increased compensation for the watchmen of the Federal parks within the District of Columbia (to be known hereafter as the "United States park police"), which will amount to about \$30,000 per year, and the provisions making appropriations to meet the increases of salaries provided for.

The Senate receded from the provisions of the Senate amendment giving increases of compensation to the civilian employees in the police department, awaiting the report of the Joint Commission on Reclassification of Salaries.

CARL E. MAPES,
N. J. GOULD,
JAMES P. WOODS,

Managers on the part of the House.

Mr. PELL. Mr. Speaker, I ask unanimous consent that the bill be printed to-night, so that it can be in the hands of Members on Monday, with all the amendments printed as adopted.

The SPEAKER. The gentleman from New York asks unanimous consent that a reprint of the bill be authorized showing the amendments as adopted. Is there objection?

Mr. DENISON. I object.

The SPEAKER. The gentleman from Illinois objects.

EXTENSION OF REMARKS.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to extend in the Record the remarks I made to-day.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. ROBSION of Kentucky. Mr. Speaker, I ask unanimous consent to extend in the Record my remarks on this bill.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the Record on this bill. Is there objection?

There was no objection.

Mr. PARRISH. Mr. Speaker, I ask unanimous consent to extend in the Record the remarks I made on the bill.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. VAILE. Mr. Speaker, I ask unanimous consent to extend my remarks on the pending bill.

The SPEAKER. The gentleman from Colorado asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. HUDSPETH. Mr. Speaker, I ask unanimous consent to extend and revise my remarks on this measure.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend and revise his remarks on this measure. Is there objection?

There was no objection.

Mr. OGDEN. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks on the bill. Is there objection?

There was no objection.

Mr. DICKINSON of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks on the bill. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. ESCH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned, pursuant to the order, until Monday, November 17, 1919, at 10 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MILLER, from the Committee on Military Affairs, to which was referred the bill (S. 2497) to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct, reported the same with amendments, accompanied by a report (No. 470), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. McKINIRY, from the Committee on Claims, to which was referred the bill (H. R. 9257) for the relief of the Van Dorn Iron Works Co., reported the same without amendment, accompanied by a report (No. 469), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HULL of Iowa: A bill (H. R. 10583) to establish a national reserve force and to provide for the military and physical training, and for the reorganization of the National Guard, and for other purposes; to the Committee on Military Affairs.

By Mr. MACGREGOR: A bill (H. R. 10584) to establish a commission to report to Congress on the practicability, feasibility, and place, and to devise plans for the construction of a public bridge over the Niagara River from some point in the city of Buffalo, N. Y., to some point in the Dominion of Canada, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. COADY: A bill (H. R. 10585) for the relief of the Occident Perpetual Building and Loan Association, of Baltimore, Md.; to the Committee on Claims.

By Mr. BROWNE: A bill (H. R. 10586) to pension soldiers, sailors, and marines of the War with Spain, the Philippine insurrection, and the China relief expedition; to the Committee on Pensions.

By Mr. ROGERS: A bill (H. R. 10587) for the reorganization and improvement of the foreign service of the United States; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOWERS: A bill (H. R. 10588) granting an increase of pension to Scott W. Lightner; to the Committee on Invalid Pensions.

By Mr. BROOKS of Illinois: A bill (H. R. 10589) granting a pension to Eugene Cunningham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10590) granting an increase of pension to Sophie P. Harris; to the Committee on Invalid Pensions.

By Mr. HARDY of Colorado: A bill (H. R. 10591) for the relief of Francis A. Land; to the Committee on Military Affairs.

Also, a bill (H. R. 10592) for the relief of George A. McKenzie, alias William A. Williams; to the Committee on Military Affairs.

By Mr. HAYS: A bill (H. R. 10593) granting an increase of pension to Samuel O. Stanley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10594) granting a pension to Margaret A. Plank; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10595) granting an increase of pension to James Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10596) granting an increase of pension to Washington Richardson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10597) granting a pension to Martha Ruebel; to the Committee on Invalid Pensions.

By Mr. HULINGS: A bill (H. R. 10598) to provide for the payment to the First National Bank of Sharon, Pa., for cer-

tificate of indebtedness of the United States No. 3240, for \$10,000, which has been lost; to the Committee on Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 10599) granting an increase of pension to Thomas J. Stevens; to the Committee on Pensions.

Also, a bill (H. R. 10600) granting an increase of pension to Nancy Jane Howard; to the Committee on Invalid Pensions.

By Mr. KELLEY of Michigan: A bill (H. R. 10601) for the relief of John Burke; to the Committee on Military Affairs.

By Mr. LANGLEY: A bill (H. R. 10602) granting an increase of pension to Thomas Flinchum; to the Committee on Pensions.

Also, a bill (H. R. 10603) granting a pension to Frank H. Gullett; to the Committee on Pensions.

By Mr. MICHENER: A bill (H. R. 10604) granting a pension to Lucinda Welch; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 10605) granting an increase of pension to Henry Gompf; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10606) granting an increase of pension to William T. Stevens; to the Committee on Invalid Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 10607) granting an increase of pension to Robert R. Reardon; to the Committee on Invalid Pensions.

By Mr. CURRY of California: Resolution (H. Res. 390) for the relief of Benjamin F. Jones, brother of Henry T. Jones, late an employee of the House of Representatives; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BURROUGHS: Petition of Manchester Council No. 52, Knights of Columbus, Manchester, N. H., Thomas F. Durning, grand knight, and A. J. Connor, recording secretary, advocating the continuance of the activities of the various welfare societies doing Army welfare work and in opposition to the intention of the War Department to delegate this work to itself; to the Committee on Military Affairs.

By Mr. NOLAN: Petition of Muller & Raas Co. and Woodin & Little, of San Francisco, Calif., opposing House bill 8315; to the Committee on Interstate and Foreign Commerce.

Also, petition of Building Association League of Illinois, Quincy, Ill., favoring passage of Senate bill 2492 and House bill 6371; to the Committee on Appropriations.

Also, petition of Ripon Parlor, No. 72, Native Sons of the Golden West, favoring restriction of oriental immigration; to the Committee on Immigration and Naturalization.

By Mr. O'CONNELL: Petition of American Train Dispatchers' Association, Railroad Yardmasters of America, Roadmasters and Supervisors' Association, Railway Traveling Auditors' Association, and National Order of Railroad Claim Men, concerning railroad legislation; to the Committee on Interstate and Foreign Commerce.

Also, petition of Foster-Milburn Co., of Buffalo, N. Y., commenting on Senate bill 3011; to the Committee on Interstate and Foreign Commerce.

Also, petition of National Equal Rights League, favoring abolishment of so-called "Jim Crow" cars; to the Committee on Interstate and Foreign Commerce.

Also, petition of New York Harbor district council, opposing House bill 10453; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: Petition of J. M. Thompson, A. W. Martin, J. F. Fisher, Abraham, Stochett, Mrs. L. Gant, L. E. Ganott, Austin P. Morris, Fred R. Johnson, M. J. Campbell, Alice Reese, L. Madison, Mrs. L. Garrutt, S. E. Barnett, Miss M. T. Ross, T. J. Wilson, jr., L. E. Mason, W. D. Harris, E. Noble, L. B. Porter, F. R. Jackson, W. A. Butler, Mrs. Mary B. Stewart, W. T. Knowles, Miss Belinda Davison, Mrs. L. Dyson, and Morris Meadow, all of San Francisco, Calif., urging investigation of the race riots and lynchings here in America; to the Committee on the Judiciary.

Also, petition of Juda Bros., and Miller Raas Co., both of San Francisco, Calif., opposing House bill 8315; to the Committee on Interstate and Foreign Commerce.

Also, petition of Chamber of Commerce of the State of New York, urging the construction of a ship canal across New Jersey; to the Committee on Railways and Canals.

Also, petition of Chamber of Commerce of the State of New York, urging protection to American citizens and investments abroad; to the Committee on Foreign Affairs.

Also, petition of Montana Joint Stock Land Bank, of Helena, Mont., opposing any repeal or amendment to the Federal farm-loan act; to the Committee on Banking and Currency.

Also, petition of California Wine Growers' Association, of San Francisco, Calif., urging appropriation and authority to carry on experiments in vineyards in California; to the Committee on Agriculture.

Also, petition of Williams, Dimond & Co., San Francisco, Calif., opposing Esch-Pomerene bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Western Forestry and Conservation Association, of Portland, Oreg., relative to forest protection and conservation; to the Committee on Agriculture.

Also, petition of Walter M. Field & Co., of San Francisco, Calif., opposing Esch-Pomerene bill; to the Committee on Interstate and Foreign Commerce.

By Mr. RANDALL of Wisconsin: Resolution of the Rotary Club, of Racine, Wis., favoring universal military training and the selection of Camp Custer, Mich., as a permanent military training camp; to the Committee on Military Affairs.

By Mr. SINCLAIR: Petition of Northern Pacific System, Division No. 54, Order of Railway Telegraphers, protesting against involuntary servitude such as is contemplated under pending antistrike legislation for railroad employees, and urging two years' extension of the period of Government operation of railroads; to the Committee on Interstate and Foreign Commerce.

Also, petition of Vinton Gregg and other citizens, of Gladstone, N. Dak., indorsing the Plumb plan of public ownership and democratic control of railroads, urging two years' extension of Government operation meanwhile, and protesting against the Esch-Pomerene bill and the Cummins bill; to the Committee on Interstate and Foreign Commerce.

SENATE.

MONDAY, November 17, 1919.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come before Thee as we face the tremendous responsibilities of this office and the far-reaching implications of the questions that press upon us for decision. Thou hast guided us from our smallest beginnings up until this good day. We lift our hearts to Thee that we may have the vision of the fathers, with a deep understanding of the influence of all that we do this day and always in the Senate; that we may have an eye single to Thy glory and by our united effort advance the interests of the people of this country and of the world. For Christ's sake. Amen.

TREATY OF PEACE WITH GERMANY.

The VICE PRESIDENT. The Chair lays before the Senate the treaty of peace with Germany.

The SECRETARY. Treaty of peace with Germany, Document No. 85.

SEDITIONOUS ACTS AND UTTERANCES.

Mr. NELSON. There is a communication from the Department of Justice on the table that I ask may be referred to the Committee on the Judiciary.

The VICE PRESIDENT. Is there objection? There being no objection, the Chair lays before the Senate the response of the Attorney General to the resolution of the Senate of October 17, 1919.

Mr. POINDEXTER. I ask that the communication and accompanying papers be printed and referred to the Committee on the Judiciary.

Mr. NELSON. That was my motion, that it be printed and referred to the Committee on the Judiciary.

The VICE PRESIDENT. It will be so ordered.

CALLING OF THE ROLL.

Mr. SMOOT. I ask unanimous consent to present certain petitions. I will state that—

Mr. LA FOLLETTE. I object.

The VICE PRESIDENT. There is objection.

Mr. CURTIS. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Calder	Cummins	Elkins
Ball	Capper	Curtis	Fernald
Bankhead	Chamberlain	Dial	Fletcher
Beckham	Colt	Dillingham	France
Brandeggee	Culherson	Edge	Frelighuysen

Gay	Kirby	Owen	Smith, S. C.
Gerry	Knox	Page	Smoot
Gronna	La Follette	Penrose	Spencer
Hale	Lenroot	Phelan	Sterling
Harding	Lodge	Phipps	Sutherland
Harris	McCormick	Pittman	Swanson
Harrison	McCumber	Poindexter	Thomas
Henderson	McKellar	Pomerene	Townsend
Hitchcock	McLean	Ransdell	Trammell
Johnson, Calif.	McNary	Reed	Underwood
Johnson, S. Dak.	Moses	Robinson	Wadsworth
Jones, N. Mex.	Myers	Sheppard	Walsh, Mass.
Jones, Wash.	Nelson	Sherman	Walsh, Mont.
Kellogg	New	Shields	Warren
Kendrick	Newberry	Simmons	Watson
Kenyon	Norris	Smith, Ariz.	Williams
Keyes	Nugent	Smith, Ga.	Wolcott
King	Overman	Smith, Md.	

The VICE PRESIDENT. Ninety-one Senators have answered to the roll call. There is a quorum present.

RAILROAD CONTROL.

Mr. CUMMINS. I ask unanimous consent to present a supplemental report to accompany the bill (S. 3288) further to regulate commerce among the States and with foreign nations and to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended. I also ask that the report heretofore presented by me on the bill be withdrawn, and that the entire matter be printed as one report.

The VICE PRESIDENT. Is there objection? The Chair hears none. The supplemental report will be received and printed.

PETITIONS AND MEMORIALS.

Mr. CURTIS. I ask unanimous consent to present several petitions for proper reference and some amendments to the railroad bill to be printed and lie on the table, and also several bills.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. CURTIS presented memorials of sundry citizens of Arkansas City, Dodge City, Pittsburg, Chanute, Horton, Parsons, and Hallowell, all in the State of Kansas, remonstrating against the passage of the so-called Cummins bill, providing for private ownership of railroads, which were ordered to lie on the table.

He also presented a petition of sundry teachers of the city schools of Parsons, Kans., praying for the establishment of a Department of Education, which was referred to the Committee on Education and Labor.

He also presented a petition of Lincoln Post, No. 1, Grand Army of the Republic, Department of Kansas, of Topeka, Kans., and a petition of sundry citizens of Iola, Kans., praying that an increase in pensions be granted to veterans of the Civil War, which were referred to the Committee on Pensions.

He also presented a memorial of Local Lodge No. 277, Brotherhood of Railway Carmen of America, of Parsons, Kans., remonstrating against the deportation of certain Hindus, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the Central Labor Union, of Chanute, Kans., favoring an appropriation to build homes for laboring men, to be sold on the monthly payment plan, which was referred to the Committee on Appropriations.

He also presented a memorial of the Central Labor Union, of Parsons, Kans., remonstrating against universal military training, which was referred to the Committee on Military Affairs.

He also presented a petition of Local Lodge No. 751, Brotherhood of Railway Carmen of America, of Topeka, Kans., praying that all coal operators' charters be revoked, and that the Government take over and operate the coal mines in the United States and Alaska, which was referred to the Committee on Education and Labor.

He also presented a petition of the county commissioners and township trustees of Brown County, Kans., praying that they be granted their full quota of building equipment, tractors, trucks, etc., in the construction of roads, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry patients of the Agnes Memorial Sanatorium, of Denver, Colo., praying for the passage of the so-called Sweet bill, providing for lump-sum payments of war-risk insurance, which was referred to the Committee on Finance.

Mr. MOSES. I ask unanimous consent to introduce a bill and to present several petitions.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. MOSES presented a petition of the advisory board of the New Hampshire department of agriculture, praying for the enactment of legislation to provide a remedy for un-American and revolutionary methods used by labor unions, which was referred to the Committee on Education and Labor.

He also presented a petition of the Friends of Irish Freedom, of Detroit, Mich., praying for the independence of Ireland, which was referred to the Committee on Foreign Relations.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS:

A bill (S. 3432) granting a pension to Joseph Gallaway (with accompanying papers);

A bill (S. 3433) granting an increase of pension to Mary Philier (with accompanying papers);

A bill (S. 3434) granting an increase of pension to Amos Wilson (with accompanying papers);

A bill (S. 3435) granting a pension to Sarah A. Eddy (with accompanying papers); and

A bill (S. 3436) granting an increase of pension to J. N. Bates (with accompanying papers); to the Committee on Pensions.

By Mr. MOSES:

A bill (S. 3437) granting an increase of pension to Cora M. Converse (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 3438) granting a pension to Duff Herrington (with accompanying papers); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 3439) granting an increase of pension to Henry M. Adams;

A bill (S. 3440) granting a pension to Harriet N. Scilipp;

A bill (S. 3441) granting an increase of pension to David W. Smith (with accompanying papers);

A bill (S. 3442) granting a pension to Emily A. Netson;

A bill (S. 3443) granting an increase of pension to Charles Smalle (with accompanying papers);

A bill (S. 3444) granting an increase of pension to Johanna Neil (with accompanying papers);

A bill (S. 3445) granting an increase of pension to Hannah M. Kingsley (with accompanying papers); and

A bill (S. 3446) granting an increase of pension to Grace Mable Copeland; to the Committee on Pensions.

By Mr. MCKELLAR:

A bill (S. 3447) granting a pension to F. W. Gerding; to the Committee on Pensions.

AMENDMENTS TO RAILROAD-CONTROL BILL.

Mr. CURTIS submitted five amendments intended to be proposed by him to the bill (S. 3288) further to regulate commerce among the States and with foreign nations and to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, which were ordered to lie on the table and be printed.

ACCEPTANCE OF STATUE OF SEQUOYAH.

Mr. OWEN submitted the following concurrent resolution (S. Con. Res. 16), which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of Sequoyah, presented by the State of Oklahoma, 16,500 copies, of which 5,000 shall be for the use of the Senate and 10,000 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of Oklahoma.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall procure suitable copper-process plates to be bound with the proceedings.

PUNISHMENT FOR ANARCHY AND BOLSHEVISM.

Mr. POINDEXTER. I ask leave out of order to introduce a bill, and that it may be referred to the Committee on the Judiciary and be printed in the RECORD.

The VICE PRESIDENT. Is there objection. The Chair hears none, and it is so ordered.

The bill (S. 3431) to protect the property, processes, and agencies of the Government of the United States from anarchy and Bolshevism was read twice by its title and referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

A bill (S. 3431) to protect the property, processes, and agencies of the Government of the United States from anarchy and Bolshevism.

Be it enacted, etc., That every person who, either orally or by writing, printing, exhibiting, or circulating written or printed words or pictures, or otherwise, shall advocate, teach, incite, propose, aid, abet, encourage, or advise forcible resistance to or the forcible destruction or overthrow of constituted government in general, or of the Government of the United States, its laws, authority, agents, or officials, or the governments of the States, municipalities, or other constituted authorities within the United States in particular, shall be guilty of a felony, and shall be punished by imprisonment not exceeding 20 years, or by fine not exceeding \$50,000, or by both such fine and imprisonment.

SEC. 2. Every person who, either orally or by writing, printing, exhibiting, or circulating written or printed words or pictures shall advocate, teach, incite, propose, aid, abet, encourage, or advise the unlawful injury or destruction of private or public property, or the unlawful injury of any person, or the unlawful taking of human life, either as a general principle or in particular instances, whether as a means of affecting political, industrial, social, or economic conditions or for any other purpose, shall be guilty of a felony, and shall be punished by imprisonment not exceeding 40 years, or by fine not exceeding \$50,000, or by both such fine and imprisonment.

SEC. 3. Any association, organization, society, or corporation one of whose purposes or professed purposes is to bring about any governmental, social, industrial, or economic change within the United States by the unlawful use of physical force, violence, or physical injury, or which teaches, advocates, advises, or defends the unlawful use of physical force, violence, or physical injury to person or property or threats of such injury, to accomplish such change, and which shall by any such means prosecute or pursue such purpose or professed purpose, or shall so teach, advocate, or advise, is hereby declared to be an unlawful association.

SEC. 4. Any person who shall act or profess to act as an officer of any such unlawful association, or who shall speak, write, or publish as a representative or professed representative of any such unlawful association, or who knowing the purpose, teachings, and doctrine of such association, shall become or continue to be a member thereof, or contribute dues or other things of value to it, or to anyone for it, shall be punished by imprisonment of not more than 10 years or by fine of not more than \$30,000, or by both such fine and imprisonment.

SEC. 5. Any person who knowingly prints, publishes, edits, issues, circulates, sells, or offers for sale, or distributes any book, pamphlet, picture, paper, circular, card, letter, writing, print, publication, or document of any kind in which is taught, advocated, or advised the unlawful use of physical force, violence, or physical injury to person or property, or threats of such injury, as a means of accomplishing any governmental, social, industrial, or economic change within the United States, shall be punished by imprisonment for not more than 20 years or by a fine of not more than \$50,000, or by both such fine and imprisonment.

SEC. 6. Any owner, agent, or superintendent of any building, room, premises, or place who knowingly permits therein any meeting of any such unlawful association, or of any subsidiary or branch thereof, or of any assemblage of persons who teach, advocate, advise, or defend the unlawful use of physical force, violence, or physical injury to person or property, or threats of such injury, as a means of accomplishing any governmental, social, industrial, or economic change within the United States, shall be punished by imprisonment for not more than one year or by a fine of not more than \$500, or by both such fine and imprisonment.

SEC. 7. Every action or proceeding made unlawful or for which punishment is provided by this act is hereby declared to be injurious and detrimental to the authority, functions, purposes, and property of the Government of the United States, and as such subject to the penalties provided by this act.

SEC. 8. Every foreign-born person who has become a naturalized citizen of the United States, or who has declared his intention to become such, who shall commit any of the acts forbidden by this act shall thereby forfeit his citizenship in the United States, and upon his conviction of any offense under this act all proceedings had in the matter of the naturalization of such person shall be canceled and become null and void, and he shall thereafter be ineligible for naturalization in the United States, and shall be subject to deportation as in the case of other aliens, as provided by law.

SEC. 9. Any person who by the commission of any act prohibited by this act shall cause the death of any person, whether such death is brought about directly by the act of such person in the violation of this act, or by any other person incited thereto by such person in the commission of any act prohibited by this act, shall be punished by death.

Mr. POINDEXTER. I ask unanimous consent to say one word in reference to this bill. The bill is intended to enable the United States to protect its functions and agencies from anarchy and Bolshevism. It is aimed at organizations such as the Industrial Workers of the World and other unlawful organizations in the United States which have been particularly active in recent months.

I desire further to say that it incorporates in part a bill which passed the Senate at the last session of Congress, but is more drastic, more comprehensive, and is not limited in its operation to periods of war. I wish to call it particularly to the attention of the chairman of the committee on the Judiciary. The bill which I am introducing now is to punish Bolshevism and anarchy. The bill that I referred to, that passed the Senate, was to punish unlawful organizations advocating the use of force to overthrow the Government, or advocating forcible and unlawful destruction of property to accomplish political and economic changes.

Mr. LA FOLLETTE. Mr. President, I call for the regular order.

The VICE PRESIDENT. There being objection, the Chair has held that nothing except by unanimous consent is before the Senate save the treaty of peace with Germany.

Mr. POINDEXTER. I have said practically all that I desired to say, notwithstanding the objection.

Mr. LA FOLLETTE. I call for the regular order.

The VICE PRESIDENT. The Senator from Washington is out of order.

Mr. POINDEXTER. What is the order, Mr. President?

The VICE PRESIDENT. The question is on agreeing to reservation No. 14 to the treaty of peace with Germany.

REFERENCE OF EXECUTIVE NOMINATIONS.

Mr. NELSON. I ask unanimous consent, as in executive session, that the following nominations for the Department of

Justice, to wit, Thomas J. Speallacy, of Hartford, Conn., to be Assistant Attorney General; Lester E. Humphreys, of Portland, Oreg., to be United States attorney; and George B. Witt, of Lynnville, Tenn., to be United States marshal, be referred to the Judiciary Committee and printed.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. SHIELDS subsequently said: Mr. President, on last Saturday there were received a number of Executive nominations, among which there were several very important offices to be filled. I was going to ask that they be referred to the Judiciary Committee, but I am informed by the Senator from Colorado [Mr. THOMAS] that that was done at the request of the Senator from Minnesota [Mr. NELSON], the chairman of the committee.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. TOWNSEND. Mr. President, I desire to say a word on reservation No. 14.

Mr. FLETCHER. Will the Senator allow me to introduce rather an urgent matter?

Mr. LODGE. Objection has been made. The regular order has been called for.

The VICE PRESIDENT. The Senator from Wisconsin called for the regular order, and unless he withdraws it the Chair can do nothing.

Mr. LA FOLLETTE. I not only do not withdraw it, but I insist upon it.

Mr. ROBINSON. I call the attention of the Chair to the fact that the Senate adjourned until noon to-day, and I inquire of the Chair whether there is not the customary opportunity given to transact morning business.

The VICE PRESIDENT. The Chair holds that for the first time in the history of the Senate the Senate has made something the unfinished business. Before this time unfinished business simply was the business that was left undisposed of at an adjournment or a recess, and heretofore the Senate has interfered with the unfinished business by permitting morning business to be transacted, but this is the first time that unfinished business was ever declared to be such by the Senate to the exclusion of all other business.

Mr. SMOOT. Mr. President, has reservation No. 14 been read?

The VICE PRESIDENT. It has not been read. The Secretary will read it.

The SECRETARY. Reservation 14 is as follows:

14. The United States declines to accept, as trustee or in her own right, any interest in or any responsibility for the government or disposition of the overseas possessions of Germany, her rights and titles to which Germany renounces to the principal allied and associated powers under articles 119 to 127, inclusive.

Mr. TOWNSEND. Mr. President, I shall occupy but a moment.

Mr. REED. Mr. President—

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Missouri?

Mr. REED. If the Senator from Michigan will yield to me, I desire to make a request. I do not want the time consumed in doing so to be taken out of his time. I desire to ask unanimous consent to print as a document an analysis relating to this treaty, if the Senator will be kind enough to yield to me for that purpose.

Mr. TOWNSEND. I have no objection to yielding, but I understand that such a request would not be in order.

Mr. HITCHCOCK. I have several requests to make of a character similar to that made by the Senator from Missouri, but I think it is not proper under the rule under which we are now proceeding.

Mr. REED. It can be done by unanimous consent.

Mr. WILLIAMS. What is it the Senator from Missouri desires printed?

Mr. REED. It is an analysis by an international lawyer of the entire league compared with international law.

Mr. WILLIAMS. How many pages does it comprise?

Mr. REED. There are quite a number of pages.

Mr. WILLIAMS. How many pages will it make in print?

Mr. REED. I can not tell the Senator how many pages of print it will make. It is a most comprehensive document.

Mr. WILLIAMS. I object to printing a whole book in the Record.

Mr. REED. I am not asking to put it in the Record. I am asking that it be printed as a document.

Mr. WILLIAMS. Well, I object to that.

Mr. REED. Very well.

Mr. TOWNSEND. Mr. President, I shall occupy but a moment of the time of the Senate. I wish to discuss both reservations 14 and 15 while I am on the floor, but shall do so very briefly. I shall not support either one of those reservations. Taken in connection with what we have already adopted in the form of reservations and what later may be done in reference to the labor and voting powers, they seem to me to be absolutely unnecessary and to be going too far in the opinion of a Senator who believes that something ought to be done and that something will be accomplished in the way of laying the foundation for a league of nations to preserve peace.

Reservation 14 is a proposition which provides that the Senate alone shall do what has heretofore been reserved to Congress. It is stated in that reservation—

The United States declines to accept, as trustee or in her own right, any interest in or any responsibility—

And so forth.

We have already guarded the question of mandatories; we have already guarded the rights of the United States in matters of domestic policy and in connection with our relations to the territorial and political integrity of the nations of the world that have been changed on the new map which has been made by the war. I can conceive the possibility at least that something may occur in the future which would make it entirely desirable in the light of these events for the United States to have a hand free, at least, possibly to guard her interests as well as the interests of the world. If we desire to attach any reservation on this subject at all we should at least provide that the Congress shall approve it.

It is proposed by this reservation to deny the United States any right to participate in whatever may occur. For that reason alone I would object to the reservation. Are we not interested in the Pacific islands formerly owned by Germany? Shall we tie our hands against any possible action hereafter; or shall we leave this matter open for the future? I repeat, I do not think it is necessary for us to say anything relative to the subject of former German territory, in view of what we have already said.

I am going to vote against reservation 15, because I want the United States to assume some responsibility, and I am willing that we should take some chances, inasmuch as the council and the assembly will be organized, so far as the United States is concerned, upon terms of equal voting power to every other nation. I am willing to provide that the conference provided by the covenant shall consider matters of dispute in which the United States may be involved, even though some might consider such matters as of vital interest to our country. Of course, reservation 15 would allow no matters affecting the United States to be submitted. For the United States could interpret every matter as of vital interest. It would be a mere question of selfish interpretation. This same question has been argued in relation to other treaties, but such a reservation as the one proposed has not lately been adopted for the protection of the United States. It has not been necessary. It is not necessary now. I believe that we will have protected our national rights sufficiently when we have taken care of the labor and voting provisions, in addition to reservations already adopted.

Mr. President, I have said this much in order that the Senate may at least understand my position. I have voted for other reservations because I thought it was necessary to do so in order to protect my country. I have voted against one or two reservations because I have thought they were unnecessary. I believe that it would be unjust and improper for the United States now to take action in advance in reference to the matter referred to in reservation 14 and thus to foreclose itself, at least morally, from participating in an event which may hereafter occur and which may be of the very highest importance to the United States.

Therefore, Mr. President, I sincerely trust that reservations 14 and 15 may be defeated because without them, it seems to me, the interests of the United States will be sufficiently safeguarded, and in that form the treaty and covenant will meet my approval, not unqualified approval, for, in spite of all that has been done by the Senate, it is still uncertain, but it has possibilities for good and I can not ignore nor minimize them.

Mr. SHIELDS. Mr. President, I do not desire to make any extended argument with reference to reservation 14, to which I shall address myself, but I wish the Senate to understand thoroughly what it is proposed that the United States shall do under the provision of the treaty from which this reservation proposes to withhold the consent of the United States.

Article 119 of the proposed treaty, under the head of "German colonies," reads as follows:

Germany renounces in favor of the principal allied and associated powers all her rights and titles over her overseas possessions.

Mr. President, these overseas possessions consist of territories in Africa and islands in the Pacific Ocean. Of course, the Shantung Peninsula was an overseas possession of Germany, but that has been disposed of otherwise, and is not now under consideration.

The territories in Africa consist of Togo, with an estimated area of 33,700 square miles, a white population of 368 and a native population of 1,031,978; the Kamerun, consisting of 191,130 square miles, with a white population of 1,871 and a native population of 2,648,720; Southwest Africa, consisting of a territory of 322,450 square miles, a white population of 14,830 and a native population of 79,556; East Africa, consisting of a territory of 384,180 square miles, a white population of 5,336 and a native population of 7,645,770; or a total of square miles in Africa of 931,460, having a total white population of 22,405 and a native population of 11,406,024.

The Togo territory was taken possession of by the British and French forces on August 17, 1914; the Kamerun was taken possession of by the British and French February 18, 1916; Southwest Africa was finally conquered by South African forces under Gen. Botha on July 9, 1915, and the Government of the Union of South Africa is now administering that country; East Africa was attacked by the British forces under Gen. Smuts from the north and by Belgian and Portuguese forces from the south and west, and practically the whole colony is now conquered.

The following table shows the former German colonies and dependencies in the Pacific, together with their area and population:

German colonies and dependencies in the Pacific just before the war.

	Estimated area in square miles.	White population.	Native population.
German New Guinea, Kaiser-Wilhelms Land..	79,000	1,427	691,000
Bismarck Archipelago.....	29,000		
Caroline Islands, Palau or Pelew Islands.....	500		
Mariana Islands.....	250		
Solomon Islands.....	4,200		
Marshall Islands, etc.....	150	557	30,770
Samoa Islands:			
Savali.....	660		
Upolu.....	340	1,984	634,370
Total Pacific possessions.....	96,160		

The former German foreign colonies and dependencies had an estimated total of 1,027,620 square miles, 24,380 white population, and 12,040,603 estimated native population.

It is, Mr. President, a matter of common knowledge that all the former German possessions in Africa have been divided between Great Britain, France, and Italy under mandates, or are to be divided in that way, and that the islands of the Pacific Ocean are to be divided between Great Britain and the Japanese Empire, the Equator being the dividing line.

A member of the British parliament when this treaty was before that body said that under this treaty Great Britain comes out of the war more powerful and with more extended dominions, considering the African territories referred to, than ever before in the history of the empire, and that while it was to take possession of its share of the former German colonial possessions under mandate, or, rather, continue its possession—because it already is in forcible possession of them—it will eventually own them, as it owns its other African possessions; for in all probability the league of nations would dissolve and fall to pieces in a short time, as all such schemes had in the past, and their possession would continue.

The sole question here is whether the United States shall be a trustee for Great Britain, France, and Italy. The question, I repeat, is whether the United States shall become a trustee and responsible for the government of 931,460 square miles of territory and of about eleven and a half million people without any benefit whatever. There is no possible interest of the United States involved and no possible benefit to be derived, but simply a responsibility to protect these possessions in a barbarous country far away from the United States and possibly at the sacrifice of life and treasure. The proposition is for the United States to abandon a policy that has been pursued since the very beginning of our Government and shall act not only as a trustee but almost as the

servant of Great Britain, France, and Italy, and responsible for protecting their interests in that great territory.

It is said by the Senator from Michigan [Mr. TOWNSEND], as I understand, that this should not be done without consulting the House of Representatives. I do not understand that the House of Representatives has any interest or any power in the matter. If the treaty had been ratified, and the United States thus vested with an interest in all this immense territory, then, before it could be ceded or surrendered, as a matter of course it would take an act of Congress; but up to this date, and before ratification, the United States has no interest in it, and the proposition here is not to take or assume any such obligation.

Another point made, as I understood the Senator, was that we have provided for mandates. This is not a case of mandates. This is a case where it is known that Great Britain, France, Italy, and Japan will take possession under the color of a mandate, and the United States to be responsible for its perpetuity.

I firmly believe that this reservation ought to be made and that to do otherwise would be involving the United States in trouble and in expense where it has no interest, and contrary to our well-established policy against foreign entangling alliances.

Mr. NEW. Mr. President, I listened with great interest to what the Senator from Tennessee has had to say. I do not think the United States is so much interested in the disposition to be made of Germany's African possessions; but with the disposition to be made of the Pacific islands, it seems to me she is very vitally concerned.

Mr. President, to my recollection I have never heard the question of the disposition of those Pacific islands discussed on the floor of the Senate during the debates on this treaty. I have never seen it referred to in more than the most casual manner in the columns of the press; and yet, Mr. President, I think there is no feature of the treaty which more vitally and directly concerns the interests of the United States than this. What the remedy for what has been done is to be, I confess I do not know; but I think, sir, that the public ought to have a better understanding of the situation in which we are left through what has been done than I believe the public have at this time.

If you will consult the map you will find that through gaining the Ladrões and the Carolines and the Marshall Islands Japan is given possessions which almost completely surround the Philippines, which the United States is under every obligation to protect and defend. By becoming possessors of the Marshall Islands Japan is brought 2,000 miles nearer to the United States than she was before. She is given island possessions which directly interpose between the Hawaiian Islands and the Philippine Islands, just about as nearly midway between the two as they could have been located.

Mr. THOMAS. Mr. President—

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Colorado?

Mr. NEW. I do, for a question.

Mr. THOMAS. May I ask the Senator if the islands of which he is now speaking are situated north of the equator?

Mr. NEW. They are. All of them are north of the equator. They are, of course, capable of being fortified, and, while my information may not be correct, I have been informed that Japan at this moment is fortifying them.

As I say, the Marshall Islands are almost midway between Hawaii and the Philippines. Their possession brings Japan more than 2,000 miles nearer to the west end of the Panama Canal than she was without them; and, to my mind, a condition is created for the United States by this disposition of the islands that very greatly concerns us, and to which we should give very serious attention, and I think it well, at the same time, to have it understood just when and how that disposition was made.

It was made by the council of three; no longer the council of ten, but after the original council of ten had been decreased by various processes to a council of three, consisting of Mr. Lloyd-George, Premier Clemenceau, and President Wilson, representing the United States. On the 6th day of May those three gentlemen met and made this disposition of the German possessions including the African colonies and the islands of the Pacific. When I think of the situation that is created for the United States by this disposition of those islands I can not help wondering just where the minds of our representatives were wandering and just whose interests it was of which they must have been thinking.

The treaty was given to the world the next day; and the treaty provides that the disposition of these colonies and possessions is that they are to be given to the five principal allied and associated powers. They are actually given, by the treaty,

to the five principal allied and associated powers. What effect the language of the treaty had upon the action of the council of three, which preceded the publication of the treaty by 24 hours, I do not know. What the authority of the council of three to make this disposition was I do not know. What the remedy for the action is I do not know; but I do not believe, Mr. President, that the people of the United States at all understand the situation. I do not believe that the public know just what changes have been made in the Pacific, and the relations of the United States to that part of the world and to her possessions there, the Philippines, Guam, and the Hawaiian Islands. I do not think they understand that at all. I do not believe the Senate has ever had that matter borne in on it as it should have been.

Mr. KING. Will the Senator permit an inquiry?

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Utah?

Mr. NEW. Certainly; for a question.

Mr. KING. The Senator is complaining about the non-activity of the representatives of the United States at the peace conference with respect to the disposition of the Pacific possessions of Germany. Does not the Senator think that our representatives secured a diplomatic triumph when they wrested the title—if I may be permitted that expression—which the other allied nations would have derived under the treaties that were executed in 1915 with respect to the Pacific Islands, and compelled the transfer of all of those possessions to all of the allied nations, including the United States, and the setting up of a mandatory with respect to those territorial possessions?

Mr. NEW. Well, Mr. President, I hope that the representatives of the United States secured something. This is the first claim that has been made by anybody that I know of that our representatives secured anything; and if they did secure an empty diplomatic triumph I am willing to accord them the glory that properly attaches to it.

Mr. TOWNSEND. Mr. President—

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Michigan?

Mr. NEW. For a question; yes.

Mr. TOWNSEND. I am very much interested in what the Senator has said. I do not wish to foreclose him in his discussion of this matter, but I was wondering if he was going to show how reservation 14 would furnish any relief to this situation if we now, with all the interests that we have, which the Senator has discussed, foreclose ourselves of the opportunity even to become interested in this question.

Mr. NEW. Mr. President, I must confess, as I said a moment ago, that I hardly know what the remedy for this situation is. I do not know that reservation 14 either provides it or prevents it. The thought that is in my mind is that I would dislike to see some action taken that may serve to prevent a resort to any remedy that may hereafter be found.

Mr. SHIELDS. Mr. President—

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. NEW. I do.

Mr. SHIELDS. The Senator stated that he did not know of anything that the United States had obtained under this treaty. I suppose he is overlooking the stupendous obligations of the United States to police the world—but that is not what I rose for.

Is the Senator aware of the fact that the division of these islands between Great Britain and Japan was provided for in the secret treaties which were observed and enforced, for instance, in the Shantung matter by the peace conference of Paris? Therefore what chance does the United States have of getting any part of them after the matter is already settled by a secret treaty, recognized and given full effect through that peace?

We are now simply taking a trusteeship for Japan in those islands. We are taking an obligation right there which we get under this treaty. Now, I agree with the Senator that Japan ought not to have them; but that has been settled, and when we agree to that provision we simply ratify the title of Japan to them. If we have this reservation put in, we have a chance hereafter to contest it.

Mr. NEW. Mr. President, in reply to what the Senator from Tennessee has just said, I will state, speaking of acquisitions, that I was referring to assets and not to liabilities. I confess that we have acquired liabilities enough; but assets there are none, so far as I have been able to discover.

With reference to the second point, have we agreed finally and flatly and irrevocably to this disposition of the islands under discussion? It is true, Mr. President, that they were disposed of by the secret treaties that were made between England,

France, Japan, and Italy previous to the entry of the United States into the war. It is true that the action of the 6th of May taken by the gentlemen whose names I have mentioned—Clemenceau, Lloyd-George, and Wilson—was in confirmation of the arrangement previously made in those secret treaties. The treaty itself provides that they are to be given to the principal allied and associated powers. There is just a question in my mind as to whether we may not yet find a remedy for what I conceive to be a very great oversight, to put it as mildly as I can, with reference to the protection of the interests of the United States.

We have, and perhaps will have, a cable station on the island of Yap, one of the Mariana group. We asked the President, at the White House conference between the President and the members of the Foreign Relations Committee, what had been done with reference to maintaining our rights on the island of Yap. His reply was that he had never heard of Yap before he went into the conference in Paris, but that he had made the point that the possession of that island should not be definitely determined at that time, and that it was still open to negotiation. I think that is what the record of that conference will reveal. But if Yap is to go to Japan, as it evidently does under this arrangement, we are either deprived of our station there, or we must go to Japan, hat in hand, as has been said of the manner in which we would have to approach Germany in certain contingencies, to ask her for the privilege of maintaining a cable station in the Pacific as a relay for our communications with the Philippines.

Mr. STERLING. Mr. President, will the Senator yield for a question?

Mr. NEW. Certainly.

Mr. STERLING. What is the inference now which the Senator would have us draw in regard to these islands, the Ladrões, the Carolinas, and the Marshall group mentioned by the Senator? Suppose they have not already been disposed of, but under the terms of the treaty they go to the allied and associated powers, and that thereby we shall have some interest in them. Since we have these other possessions, Guam and the Philippines, would it not be desirable that we, because of those possessions which we are bound to protect, should have an interest in these islands so near by?

Mr. NEW. Mr. President, that is exactly the inference I would have the Senate draw from what I said, that therefore the ownership or possession of all those islands should not be surrendered to any other power. The United States, because of her obligations in the Philippines and in Hawaii, should have for her very own enough of those islands to give her some strategic advantage and not put her under every strategic disadvantage for any emergency that may hereafter arise.

Mr. President, just one further thing and I have finished. I understand that this whole subject was made the matter of inquiry and investigation by the general board of the Navy, and that a report and a recommendation were made by that board. The President said he understood that report had been published. I may be mistaken about it, but I have never seen the report, and from other sources I have been informed that the President was mistaken. I do not insist upon that, because he may have been right, but I do not think that report was ever published. Just what disposition was made of it—whose hands did it reach, what was its fate, what consideration was ever given to it—I should like to know and I think the public should like to know. I think, Mr. President, the whole matter of the disposition of the islands in the Pacific is one that has been little understood, even in the Senate, where the whole subject has been under debate for months.

Mr. KENYON. Mr. President, I rise to a question of personal privilege. I would like to inquire from the Chair if that will be taken out of my time?

The VICE PRESIDENT. I assume no Senator would object to another Senator rising to a question of personal privilege. I do not know as to that, but I assume the Senator can proceed by unanimous consent, and if he is not speaking to the treaty it will not be taken out of his time.

PERSONAL EXPLANATION—STEEL WORKERS' STRIKE INVESTIGATION.

Mr. KENYON. Mr. President, ordinarily, like most men in public life, I pay no attention to attacks of newspapers or newspaper correspondents. That is one of the things that men in public life must bear, and I have done my part of the bearing. But an article is now before me which I understand has been syndicated, and it is being sent all over the country, attacking me in my official position as a Senator and as chairman of the committee investigating the steel strike. I dislike to bother the Senate with it, and I would not have done so had it not been headed in a paper in my State, distinctly hostile to me because it has not been able to control my vote on the league of nations,

in large headlines that I had kept from the committee the record of Mr. Foster.

This article is by a gentleman named Carl W. Ackerman. It is so full of falsehood that I can not find words to characterize it on this floor as I would like to characterize it to the gentleman's face. It is now being published around the country as an advertisement. I wonder who is paying for its publication.

I do not know the purpose of it, Mr. President. I think the members of the subcommittee investigating the steel strike will bear witness that I endeavored to be fair, and we endeavored to get all the evidence on both sides. The gentleman who writes this article and has now had it copyrighted and is sending it out to all who will purchase it for a small amount had been through that district. He had written for his paper, the Public Ledger, solely on one side of this proposition, and I hope a feeling that if the committee had not found that some of the men in the mills had a cause of complaint in the long hours of service that article never would have appeared.

I realize, Mr. President, that men who in public life fight the battles that I have tried to fight make powerful enemies, enemies who can secure the service of character assassins, who are afraid to meet a man face to face, but fire on him from ambush. Such a man is this.

He charges that he brought certain evidence to me. He did. He charges that I was furnished certain evidence by the Government. I went to a certain branch of the Government and secured certain evidence about the activities of the radicals. The Government was not particularly desirous to have that known, because they did not want to be on one side or the other of this strike, as was perfectly proper.

This gentleman presented his evidence, as 50 others presented evidence to me. Some of it undoubtedly was of great value. I have a table in my office piled with evidence on the steel strike. We could not use it all, or we would have been in session for a year. But with that becoming modesty that oftentimes characterizes some correspondents of papers he seemed to think that he should practically take charge of and direct the investigation, and failing to do that, and the report failing to meet with his wishes, he starts this attack through the newspapers of the country.

I do not care about it here so much. Senators who know me, I think, know that I would not be guilty, as chairman of a committee, of deliberately suppressing evidence from the other members of the committee; that I would not be guilty of trying to protect the Reds and the Bolsheviks in this country by suppressing evidence; and no man who has an honest hair in his head can read this record and this report and say that any member of that committee was doing anything of that kind.

This is headed:

FACTS SENATE FAILED TO BRING OUT ABOUT FOSTER AND I. W. W.—SENATOR KENYON, CHAIRMAN OF THE INVESTIGATING COMMITTEE, HAD EVIDENCE PROVING LEADER'S SECRET COOPERATION WITH RADICALS IN PLANNING STEEL STRIKE, BUT FAILED TO USE IT—U. S. AGENTS FIND ORGANIZER IS STILL A RED AND HAS NOT CHANGED POLICY OF "BORING FROM WITHIN"—INFORMATION SHOWS STRIKE BAILLOTTING WAS HAPHAZARD IN EVERY FACTORY AND CITY—MAN IN PITTSBURGH CAST 1,500 VOTES IN FAVOR OF WALKOUT; 4,000 AGAINST WERE THROWN OUT.

This article claims that he furnished me with certain data and information as to Mr. Foster that was not used, and that none of the evidence furnished by the Government, as he alleges was furnished, was used, and his language is:

He had the evidence—

That is, the chairman of the committee—

including photographs of letters written by Vincent St. John, the "brains" of the I. W. W. organization in this country, before Foster went on the stand, but he made no use of this evidence.

I turn from that statement to the record, Part II, testimony of Mr. Margolis. This was a letter written by the I. W. W. secretary to Mr. Margolis, a despicable and contemptible syndicalist of Pittsburgh. It was not written to Mr. Foster. The proper place to get that evidence was from Mr. St. John or from Mr. Margolis, but not from Mr. Foster, and on page 866 of Volume II of the testimony I take up this letter and ask the witness about it, and every line of it is there except the last line.

In our report, on pages 20 and 21, the letter is printed verbatim. That is one of the things that this man charges I kept from the committee.

We did not ask and I did not ask all of these things of Mr. Foster. Mr. Foster was a shifty, lying witness. It was difficult to get much out of him. We proved this letter in other ways. What difference did it make? That letter was the gravamen, it seemed to me, of all this evidence. It showed a connection between the I. W. W. and Mr. Foster and Mr. Margolis. That evidence is here in the record and in the report. It did not come in the way that this newspaper correspondent might have desired, but he was not conducting the

investigation. That is the main charge that is made against me in this article. That charge is proven by the record to be an absolute falsehood.

Another charge is that I did not bring out of Foster the fact about Margolis going to Youngstown, Ohio, and addressing the convention of the union of Russian workers. We did not get that out of Foster, but we got it out of Margolis in much better shape, and that fact appears in the record at pages 836 to 839. We covered that as fully as anything could have been covered—that Margolis went out to Youngstown and addressed this council of Russian workers, a band of anarchists, and came back and reported it to Foster. That is in this record.

It is a pretty cruel thing, it is a pretty contemptible thing, it shows a pretty small bore, in the face of that record in the man, who will accuse any man who values his honor above anything else of keeping from the balance of the committee or the country the very facts which are in the record.

As to the charge that the Government had placed at my disposal—another one of the charges—information in comparison between the two books *Syndicalism and Trade Unionism*, I refer to the record itself, volume 1, pages 387, 388, 392, and 394, where Senator McKellar—

Mr. STERLING. Mr. President—

Mr. KENYON. I yield to the Senator.

Mr. STERLING. The Senator can refer to the report itself of the subcommittee, without referring to the testimony, to show what goes into the record from the testimony. Several extracts from *Syndicalism*, Foster's book, are there set forth.

Mr. KENYON. Does the Senator from South Dakota remember that I had put so much of *Syndicalism* into the report that the balance of the committee struck out some of it?

Mr. STERLING. Struck out one paragraph, I think.

Mr. KENYON. It was overloaded with *Syndicalism*.

The Senator from Tennessee [Mr. McKellar] made an examination at length with reference to syndicalism, as appears on those pages. On page 396 I questioned Mr. Foster on *Trade Unionism*, the other book, which showed that he had the same ideas when he wrote *Trade Unionism* that he had when he wrote *Syndicalism*, and the Senator from South Dakota [Mr. Sterling]—I think he will bear me out about the matter—was given this book *Trade Unionism* by me during the hearings and questioned Foster about it, and that appears on pages 416, 417, and 418 of the report.

So this charge is as false as all the other charges, save one, to which I am going to refer. These are the facts that are sent out to my State and put in great headlines in a leading paper of my State.

Mr. Ackerman claims again that evidence as to a certain bond was not secured; that Foster had given a \$100 bond to St. John to be used as bail for the I. W. W.'s. I think if anyone will read this record he will see I had asked Foster as to St. John. He was a shifty, difficult witness, a lying witness. He denied seeing St. John during the strike; admitted seeing him before. When we got down to that point some one broke in, as they do on committees, and the thing took another and different drift and went off on a question of foreign languages, and we did not bring it back. I think that is a just criticism, but it is the same criticism that might be made of any lawyer who, in a great mass of testimony, may fail to use one particular thing.

We were conducting these examinations under great difficulty, because Senators wanted to be here; we wanted to get through within a reasonable time. When Mr. Foster left the stand at the close of that day, I can state that most of the committee were determined that Mr. Foster should return to the stand after we had tried to connect up some of these things. I know I was so determined, and talked with other members of the committee who were of the same opinion. That \$100 bond business I am willing to be criticized for overlooking in the great mass of evidence. We tried to get it out of Margolis, but did not succeed in doing it. We had enough of it as to Mr. Foster without that. We had enough evidence connecting him with the I. W. W. to convict him before a jury on a question of fact overwhelmingly; and now, because we did not bring in everything else and run these hearings on for six months, forsooth we must be criticized by this correspondent.

Another charge is that the Government had furnished me certain evidence and I kept it from the committee or did not use it. I have not said they furnished it. This reporter says they furnished this evidence. Whatever department of the Government did furnish me this evidence did not care to have it exploited, but were willing to have it used. I will invite any Senator to take it and compare it with the evidence that we have in this case, and then say whether there is a substantial thing in it that is not in the evidence. It is here on my desk.

According to Mr. Ackerman's article all of these things could have been secured out of Mr. Foster when he was on the stand,

and that Margolis, by whom he admits we proved some of them, would not have been used if it had not been for the insistence of the Senator from South Dakota [Mr. Sterling]. I have not said a word to the Senator from South Dakota about this matter.

The insinuation of that article is that I was ready to have the case closed without getting these things out of Mr. Foster. When we went to Pittsburgh Mr. Margolis left town. I had intended that we should use him. He kept away from Pittsburgh while we were there, I was informed by the very highest authority, when I tried to get him as a witness. When we came back from Pittsburgh the Senator from South Dakota [Mr. Sterling] presented to me some evidence as to Mr. Margolis. I call upon him now to say whether I was trying to close this case without the testimony of Mr. Margolis.

Mr. STERLING. Mr. President, I can give, I think, a full answer to the Senator from Iowa in that respect. I saw the article to which he refers, and I at once pronounced it as untrue and as an article which did the Senator from Iowa a grave injustice.

Referring to the paragraph in the article in which my own name is used as one of the subcommittee who had insisted on certain evidence being produced before the committee, the fact is simply this, that while the subcommittee was at Pittsburgh a representative of the Department of Justice handed me a statement relative to Messrs. Foster and Joseph Margolis, the attorney for the I. W. W. There was no opportunity to present it to the chairman of the committee until we returned to Washington, but on the following morning after our return I saw the Senator from Iowa and handed him the communication which I had received from the representative of the Department of Justice.

He read it over, and I think within an hour from the time I handed him the document he came and said to me that we would have to subpoena Mr. Margolis, and we did subpoena Mr. Margolis, with the result that the Senator has already stated as to the kind of evidence we got from him.

Mr. President, I may say, I think, I was quite a regular attendant at all meetings of the subcommittee. I attended the hearings at Pittsburgh. I did not see any evidence on the part of any member of the committee of a desire to favor anyone. What seemed to be the desire of the committee was to get at the facts and state the facts fearlessly, whether they favored the employers in the steel industry or whether they favored the claims of the striking employees in that industry.

Mr. KENYON. I thank the Senator.

We used Mr. Margolis. The case would not have been closed without Margolis or Foster being brought back. Mr. Margolis was so frank in all his infamy that it was perfectly startling, but we got everything out of him, as you can out of a willing witness as against an unwilling witness. We got the whole story of the Youngstown transaction to which reference is made here. We got the letter from St. John. We tied up Foster with it, and when Margolis was through with his testimony there was not much left as to the Pittsburgh situation; but even then we did not close the case, although we were anxious to get through because a report in a matter of this kind, to have any particular effect, must be made within a reasonable time.

We went on to the Gary investigation. If I had been trying to shield the anarchists and I. W. W.'s, as this article states, I would not have gone to work and gotten all of the evidence that came from Gary—and I got that myself—showing the activities of the I. W. W.'s and the anarchists at Gary. And yet this gentleman, who was in France, but not to fight, can assail his fellow man in this manner and spread it throughout the country.

You can always look back over hearings, as you can over a lawsuit, and think where you might have improved the trial or improved the hearing. I can do that now. As I said, we were taking this evidence under great difficulty. We did the very best we could.

These charges to which I have referred are the ones made against myself in the article. The committee is found fault with, too, because they did not secure evidence as to votes cast by the strikers. We tried to do that. I had some figures that were given me by somebody, 20 or 30 pages, to figure out and try to get at whether or not as many ballots had been printed as were claimed to have been cast. We could not get them.

We were promised—I do not remember by whom, but by one witness—that we should have the figures as to the votes. We never got them. This gentleman or this character assassin says that he knew of one man who cast 1,500 votes. We did not get that. No such fact was ever presented to our committee, and if he had that evidence it was his duty to bring it to us.

He says in this article that the Senate committee could have shown Foster to be one of the most dangerous radicals in this country. My God, how can anybody read this evidence and then

say that we did not show that fact? How can anybody read this report and say that we did not show that fact? I shall not take the time of the Senate to read it, but if Senators will read pages 17 and 18 of the report they will see that the language used was about as strong as could be devised, at least by an ordinary intellect that was not engaged in trying to tear down its fellow men.

Mr. President, I am sorry to bring this matter up. I ought perhaps to take more time and put portions of the record in in order to show the absolute falsity of this article. I would not have brought the subject up if it had not been that it has gone to my State; it is copyrighted, and probably sells for quite a substantial sum.

Mr. STERLING. Mr. President, if the Senator from Iowa will permit me, in connection with what he has stated, I think he ought to put into the RECORD the excerpts from the book on Syndicalism, together with the comments made in the report on Mr. Foster.

Mr. KENYON. Later I will also ask to insert into the RECORD excerpts on syndicalism and the comments of the committee on Mr. Foster.

Not only this, Mr. President, but one member of the committee, before the testimony of Mr. Margolis was given, secured the service of a man from Pittsburgh who knew the inside of the whole matter, or thought he did. I spent an entire Sunday with that witness, from morning until night, getting the facts about Mr. Margolis, and I assisted in the examination the next day. I should like any man to read the portion of the examination of Mr. Margolis that was conducted by the chairman of the committee, as the charges are made against me, and say whether or not there was any attempt to shield anybody. In fact, I think a member of the committee thought we were going too far in the matter. In any event, we had the evidence; it is in the record; whether it came from one witness or came from another witness, whether it came in the way that some newspaper correspondent thought we ought to have it or whether it came in a way that we thought we ought to have it, it is there, with the exception of the one matter that I have related, as to which there might be some just criticism as there might be of any lawyer, as I have said, who left out one piece of evidence. I do not think it amounted to a great deal.

Mr. President, on this one error or mistake, if you please, and because of a failure to get full statistics as to the strikers' vote, this man has built up a structure of fabrications with the deliberate intention to mislead. He is sending that report around the country for money. The record and the report prove him a falsifier, and he stands convicted by the record as a falsifier.

I now ask unanimous consent, as suggested by the Senator from South Dakota [Mr. STERLING], to insert in the RECORD excerpts from the report as to syndicalism and the comments of the committee on Mr. Foster.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

III.

The testimony as introduced and the study the committee has made of the situation lead them to the conclusion that while there were legitimate complaints as to long hours of service, that the strike has been seized upon by some I. W. W.'s, Bolsheviks, and anarchists to further their own interests, and that their influence in the strike has been powerful.

The committee is of the opinion that the American Federation of Labor has made a serious mistake and has lost much favorable public opinion which otherwise they would possess by permitting the leadership of this strike movement to pass into the hands of some who heretofore have entertained most radical and dangerous doctrines. If labor is to retain the confidence of that large element of our population which affiliates neither with labor organizations nor capital, it must keep men who entertain and formulate un-American doctrines out of its ranks and join with the employers of labor in eliminating this element from the industrial life of our Nation. Unquestionably, the United States Steel Corporation has had the support of a larger and of a wider circle in the country during the strike because of the character of some of the strike leadership. Labor organizations should not place the workmen in the position of any sympathy with un-American doctrines or make them followers of any such leadership. Such practice will result in defeating the accomplishment of their demands.

Take the case of Mr. William Z. Foster. Mr. Foster is secretary to the committee composed of the 24 international unions managing this strike. His duties were substantially to act as secretary of the strike, to look after the organization of workers, and to handle the finances. He is in the office at Pittsburgh, and seems to be the general manager of the strike. While it is claimed that he has had little to do with it, it is quite apparent to the committee that he has more to do with it than any other man in its actual management. He is one of the signers of the letter to the President and to Mr. Gary. He appears to be a man of excellent education, a thinker, and prolific writer. It is a source of regret to find that a man born in America should have written such doctrines as are set forth in his "Syndicalism" and his more recent publications. At the time of his writing "Syndicalism" he was wholly antagonistic to American labor unions, and especially to the American Federation of Labor. Soon after, however, he seems to have come to the conclusion that he could accom-

plish his aims and purposes better by "boring from within," as he expressed it in one letter to Solidarity, the I. W. W. publication. Carrying out his doctrine of "boring from within," he became active in organized-labor work and soon became a leader.

We insert excerpts from his book showing that he believed that nothing was illegal if necessary to carry out his views. He advocated violence in strikes. He charged the American labor movement was infested with hordes of dishonest officials. He was closely associated with Mr. Margolis, present attorney for the I. W. W.'s at Pittsburgh, who has been behind this strike with all of his power; with Mr. Vincent St. John, formerly secretary to the I. W. W.'s; and the evidence convinces the committee that there has been little change of heart on the part of Mr. Foster and that he is now in the full heyday of his power in the "boring from within" process.

Such men are dangerous to the country and they are dangerous to the cause of union labor. It is unfair to men who may be struggling for their rights to be represented by such leaders. It prevents them from securing proper hearing for their cause. If Mr. Foster has the real interest of the laboring man at heart he should remove himself from any leadership. His leadership injures instead of helps. If he will not remove himself from leadership the American Federation of Labor should purge itself of such leadership in order to sustain the confidence which the country has had in it under the leadership of Mr. Gompers.

Mr. Foster's book on syndicalism and on trade-unions has been before the committee. These doctrines are subversive of government. Mr. Foster in the year 1911 was an admitted I. W. W. and attempted at the Labor Convention at Budapest to take the place of Mr. James Duncan, the duly accredited representative from this country. He wrote articles from abroad to Solidarity, the I. W. W. paper, signing them, "Yours for the revolution"; "Yours for the I. W. W." These letters breathe the spirit of anarchy.

EXTRACTS FROM "SYNDICALISM."

"In his choice of weapons to fight his capitalist enemies the syndicalist is no more careful to select those that are 'fair,' 'just,' or 'civilized' than is a householder attacked in the night by a burglar. He knows he is engaged in a life-and-death struggle with an absolutely lawless and unscrupulous enemy, and considers his tactics only from the standpoint of their effectiveness. With him the end justifies the means. Whether his tactics be 'legal' and 'moral' or not does not concern him so long as they are effective. He knows that the laws, as well as the current code of morals, are made by his mortal enemies, and considers himself about as much bound by them as a householder would himself by regulations regarding burglary adopted by an association of housebreakers. Consequently, he ignores them in so far as he is able and it suits his purposes. He proposes to develop, regardless of capitalist conceptions of 'legality,' 'fairness,' 'right,' etc., a greater power than his capitalist enemies have, and then to wrest from them by force the industries they have stolen from him by force and duplicity and to put an end forever to the wage system. He proposes to bring about the revolution by the general strike." (P. 9.)

"The general strike and the armed forces: Once the general strike is in active operation, the greatest obstacle to its success will be the armed forces of capitalism—soldiers, police, detectives, etc. This formidable force will be used energetically by the capitalists to break the general strike. The syndicalists have given much study to the problem presented by this force and have found the solution for it. Their proposed tactics are very different from those used by rebels in former revolutions. They are not going to mass themselves and allow themselves to be slaughtered by capitalism's trained murderers in the orthodox way. There is a safer, more effective, and more modern method. They are going to defeat the armed forces by disorganizing and demoralizing them." (P. 10.)

"Syndicalists in every country are already actively preparing this disorganization of the armed forces by carrying on a double educational campaign amongst the workers. On the one hand, they are destroying their illusions about the sacredness of capitalist property and encouraging them to seize their property wherever they have the opportunity. On the other, they are teaching working-class soldiers not to shoot their brothers and sisters who are in revolt but, if need be, to shoot their own officers and to desert the army when the crucial moment arrives. This double propaganda of contempt for capitalist property 'rights' and antimilitarism are inseparable from the propagation of the general strike." (P. 11.)

"Bloodshed: Another favorite objection of ultra legal and peaceful Socialists is that the general strike would cause bloodshed.

"This is probably true, as every great strike is accompanied by violence. Every forward pace humanity has taken has been gained at the cost of untold suffering and loss of life, and the accomplishment of the revolution will probably be no exception. But the prospect of bloodshed does not frighten the syndicalist worker as it does the parlor Socialist. He is too much accustomed to risking himself in the murderous industries and on the hellish battle fields in the niggardly service of his masters to set much value on his life. He will gladly risk it once, if necessary, in his own behalf. He has no sentimental regards for what may happen to his enemies during the general strike. He leaves them to worry over that detail." (P. 13.)

"Perhaps the most widely practiced form of sabotage is the restriction by the workers of their output. Disgruntled workers all over the world instinctively and continually practice this form of sabotage, which is often referred to as 'soldiering.' The English labor unions, by the establishment of maximum outputs for their members, are widely and successfully practicing it. It is a fruitful source of their strength.

"The most widely known form of sabotage is that known as 'putting the machinery on strike.' The syndicalist goes on strike to tie up industry. If his striking fails to do this, if strike breakers are secured to take his place, he accomplishes his purpose by 'putting the machinery on strike' through temporarily disabling it. If he is a railroader he cuts wires, puts cement in switches, signals, etc., runs locomotives into turntable pits, and tries in every possible way to temporarily disorganize the delicately adjusted railroad system. If he is a machinist or factory worker, and hasn't ready access to the machinery, he will hire out as a scab and surreptitiously put emery dust in the bearings of the machinery or otherwise disable it. Oftentimes he takes time by the forelock, and when going on strike 'puts the machinery on strike' with him by hiding, stealing, or destroying some small indispensable machine part which is difficult to replace. As is the case with all direct-action tactics, even conservative workers, when on strike, naturally practice this form of sabotage—though in a desultory and unorganized manner. This is seen in their common attacks on machines, such as street cars, automobiles, wagons, etc., manned by scabs.

"Another kind of sabotage widely practiced by syndicalists is the tactics of either ruining or turning out inferior products. Thus, by causing their employers financial losses, they force them to grant their demands. The numerous varieties of this kind of sabotage are known by various terms, such as 'passive resistance,' 'obstructionism,' 'pearled strike,' 'strike of the crossed arms,' etc." (P. 15.)

"The syndicalist is as 'unscrupulous' in his choice of weapons to fight his everyday battles as for his final struggle with capitalism. He allows no considerations of 'legality,' religion, patriotism, 'honor,' 'duty,' etc., to stand in the way of his adoption of effective tactics. The only sentiment he knows is loyalty to the interests of the working class. He is in utter revolt against capitalism in all its phases. His lawless course often lands him in jail, but he is so fired by revolutionary enthusiasm that jails, or even death, have no terrors for him. He glories in martyrdom, consoling himself with the knowledge that he is a terror to his enemies and that his movement, to-day sending chills along the spine of international capitalism, to-morrow will put an end to this monstrosity." (P. 18.)

"The syndicalist is a radical antipatriot. He is a true internationalist, knowing no country. He opposes patriotism, because it creates feelings of nationalism among the workers of the various countries and prevents cooperation between them, and also because of the militarism it inevitably breeds. He views all forms of militarism with a deadly hatred, because he knows from bitter experience that the chief function of modern armies is to break strikes, and that wars of any kind are fatal to the labor movement. He depends solely on his labor unions for protection from foreign and domestic foes alike and proposes to put an end to war between the nations by having the workers in the belligerent countries go on a general strike and thus make it impossible to conduct wars.

"Another difference between industrial unionism and syndicalism is that the former puts emphasis on the industrial form of organization and the 'one big union' idea, while the latter emphasizes revolutionary tactics. Industrial unionists also preach the doctrine that there are no leaders in the revolutionary movement, whereas a fundamental principle of syndicalists is that of the militant minority (outlined in ch. 9)." (P. 32.)

"The working class, whose sole defense they are against the capitalist class, is in retreat before the latter's attacks. If this course is to be arrested and the workers started upon the road to emancipation, the American labor movement must be revolutionized. It must be placed upon a syndicalist basis." (P. 36.)

"Labor fakery: The American labor movement is infested with hordes of dishonest officials who misuse the power conferred upon them to exploit the labor movement to their own advantage, even though this involves the betrayal of the interests of the workers. The exploits of these labor fakery are too well known to need recapitulation here. Suffice to say the labor faker must go." (P. 39.)

"In the foregoing pages only the more important evils afflicting American labor unionism have been gone into and their remedies indicated. Lack of space forbids the discussion of the many minor ones with which it bristles. But the rebel worker, in his task of putting the American labor movement upon a syndicalist basis, will have no difficulty in recognizing them and their antidotes when he encounters them." (P. 42.)

"The S. L. of N. A. is demonstrating that the American labor movement is ripe for a revolution and that the conservative forces opposed to this revolution are seemingly strong only because they have had no opposition. It is making them crumble before the attacks of the militant minority, organized and conscious of its strength." (P. 47.)

We call attention also in this connection to the testimony of Mr. Margolis, who at least is entitled to credit for frankness in expounding his abominable doctrines before the committee. He is not a member of the Federation of Labor and has no connection with it, but he has rallied to the support of this strike in the Pittsburgh district the I. W. W. and anarchistic elements of the population. He has had strong influence with the Union of Russian Workers and secured their support for the strike. He admits that they are anarchists; he admits that he is an anarchist. He has been a close associate of Emma Goldman and Alexander Berkman, and attempted to organize at Pittsburgh all the various organizations antagonistic to government. He assisted in spreading anarchistic literature and I. W. W. journals. He himself is against all government. He is the kind of man who would not, as he himself testified, use any force against a man robbing his house or assailing his wife. He is apparently on close terms with Mr. Foster. While he criticizes him for having given up his syndicalistic views, he leaves the impression that he believes Foster still has those views "in the back of his head," and that he had become a member of the American Federation of Labor for the purpose of better carrying out the policies that he really had in mind and to which he was sincerely attached.

Mr. Margolis is a highly educated man, a good speaker, and the kind of man who is calculated to do immense harm. He cares not for the country which by law protects him. He desires to dissolve this Government by peaceful means. He has no sympathy for our American institutions. Mr. Margolis has many followers. He is a writer for the I. W. W. magazines and is a type of the overpeaceable and ultradangerous citizen. We recommend to Senators that they read the testimony of Mr. Margolis as taken before this committee.

Mr. Foster apparently also is more or less closely associated with Mr. Vincent St. John, a notable I. W. W. worker, and Mr. St. John is also closely associated with Mr. Margolis. Mr. Foster thought enough of Mr. St. John's views to quote him in his book on "Syndicalism," and Mr. St. John had been in Pittsburgh just prior to the strike. And while Mr. Foster denies any particular consultation with him, he admits having seen him. That Mr. Vincent St. John has been active as to the steel strike; that he is closely associated with Margolis and with Foster is shown by a letter written to Margolis by St. John, as follows:

CHICAGO, ILL., August 16, 1919.

FRIEND MARGOLIS: Anent that article I was to mail you—they want to reproduce it in Sol here so I let them have it. After which they promise to mail it to me, and I will see that you get it; that is, if they do not run it. If they do, of course, you will see it in the Sol. Things are looking a little better here, and from press reports there is something stirring throughout the country.

Just while I think of it, if you have a chance to talk matters over with Foster on possible developments in case of a strike in steel, I think it would be a good thing to do so. It might be possible to frustrate treacherous action by international officials should a strike occur—and I think a strike is assured.

Regards to all the bunch.

Sincerely,

V. ST. JOHN.

The evidence before the committee showed great activity at Gary among those who would be termed "Reds," and while it would be unfair to say that they were the leading force behind the strike, it is fair to say that they were doing everything they could to help it.

Lieut. Van Buren, of the Regular Army, testified before the committee as to the great activities of anarchists found in Gary: Large quantities of anarchistic literature were found; some in homes, some in places of public meeting—Russian anarchistic literature, socialist literature, Slovakian and other nationalities. It was somewhat interesting, though distressing, to hear from him that all the foreign societies were rather prosperous in Gary, and the only society that had gone out of business was the American society. This literature is being generally circulated. It is the literature of the soviet. Its poison is being instilled into the minds of men who know nothing about this country, and apparently no effort is being made to have them know anything about it. We do not mean this as a reflection upon the American Federation of Labor. We would rather make it as a plea to the Federation to purge itself of these men.

Mr. McKELLAR. Mr. President, I ask unanimous consent to proceed for merely two or three minutes with reference to this matter.

I happened to be a member of the subcommittee, of which the Senator from Iowa [Mr. KENYON] was the chairman, which investigated the strike in the steel industry. I have read the newspaper correspondence referred to by the Senator from Iowa, and I wish to say that, in my judgment, there is no foundation for any statement made therein criticizing Senator KENYON, and I believe that because of my very active service on the committee that I am qualified to speak of the fact.

I have never known a chairman of a committee or of a subcommittee to be any fairer, to be any more active to ascertain the truth concerning the matters which were being investigated, any more vigilant, any more eager to do the right, and any quicker to denounce the wrong, than was the Senator from Iowa. He was fair to the members of the committee; he was fair to the witnesses who appeared before the committee on both sides; and I am absolutely sure that I have never known any man to take part in an investigation with an eye more single to obtain the truth, and the whole truth, and nothing but the truth, than was the Senator from Iowa. I resent this attack which has been made upon him in this way. It is an attack that ought not to have been made. It is wholly unjustified. It is wholly opposed to the facts in the case. There is no excuse even for the criticism.

Take, for instance, the statement made that the Senator from Iowa suppressed information that had been given as to Mr. Foster. It will be recalled that Mr. Foster was one of the first witnesses examined—I think he was the third or fourth, or something like that—at any rate he was called early in the examination. Very little was known about him at the time. The committee was furnished with articles which had been written by him, and members of the committee took those articles, cross examined Mr. Foster, and demonstrated to the whole civilized world that Mr. Foster was a syndicalist, an anarchist at heart, and had been formerly a professed I. W. W., and a man who had those views still in his heart.

In my judgment, the examination which was made by the committee, under the supervision of its chairman, absolutely annihilated Mr. Foster as a patriotic citizen before the public of America. No man who loves his country and believes in its institutions after reading the report of that examination can have the slightest respect for Mr. Foster.

It is idle to talk about the committee not having secured the information that it desired from Mr. Foster. The committee certainly had enough information for use in cross-examination to make Mr. Foster abhorred by all good Americans. I have never seen a good word written of him or heard a kind word spoken of him since he testified before the committee. It is true that, his examination coming early in the investigation, there were a number of matters concerning which Mr. Foster was not examined. He came here and remained here, as I recall, only one day and then left. I recall very distinctly that I went to the chairman of the committee [Mr. KENYON] and stated to him that Mr. Foster ought to be recalled for certain information that we knew he could produce. The chairman agreed with me and it was understood that Mr. Foster was to be recalled, when we found that we could get the desired information in a more effective way from his brother anarchist, Mr. Margolis. Mr. Margolis came; we examined him, and we ascertained everything that we had wanted of Mr. Foster. We got everything that we wanted from Mr. Margolis, and probably very much better, because Mr. Margolis, with all his anarchistic infamy, had at least the virtue of being frank about his hatred of government generally and American institutions specifically, and rather gloried in his hatred, which was something that could not be said for Mr. Foster. It will be remembered that Mr. Foster constantly went back on his own record; constantly tried to appear before the committee as something that he was not. It was these facts that were brought out by the committee that produced in this country

the antagonism which I believe exists to-day against Mr. Foster and all of his kind of radical leaders.

I feel that I should say that not only this charge but every other charge made in this article against the Senator from Iowa is absolutely without foundation. It was stated that he suppressed a letter from Vincent St. John, one of the I. W. W. leaders. No man on the committee felt a deeper interest or was more active to get that letter in the record than the Senator from Iowa. Indeed he read it into the record, and copied it into the report. In that and every other matter he was fearless; he was frank; he was capable in his management of the investigation, and in my judgment the investigation made by the committee under his direction was full and ample, and has effected a splendid result before the country.

Of course, Mr. President, there was a great mass of information that the committee did not have printed in the record. All of this was submitted to the committee and we weeded out what we thought was unimportant. But we were very careful to insert every essential fact. Some question was raised about the method of voting the strike by the strikers, and as to the number of those who actually voted. I recall that I took the position that this was wholly immaterial for two reasons: First, because whether the men had voted for a strike or not, practically all of them had gone out on the strike, so it made no difference whether they had previously actually voted or not. In the second place, we all believed from the evidence that the leaders, like Foster, Margolis, and others, were in actual control of the strike, and that their votes were the only ones that counted.

As to the \$100 Liberty bond question, there was never the slightest doubt—after he had testified—that Foster was still at heart an I. W. W. and that he was quite as dangerous an anarchist as we have in this country. Any additional evidence of his hatred of American institutions would simply have been cumulative.

I take great pleasure in making this statement on behalf of a man whom I believe to have been unjustly and improperly assailed. The anarchists, the I. W. W., the Russian soviet crowd, and the radical socialists may well criticize him, for he is against all of them who are against the American Government and who are against law and order. But surely no patriotic American citizen who loves his country can make those of us who have served with him, or those who know him, believe that Senator KENYON is capable of suppressing evidence or of acting in any other way unbecoming the gentleman that he is, or unbecoming the most able and efficient public servant that he is.

Mr. PHELAN obtained the floor.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield for a moment?

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Massachusetts?

Mr. PHELAN. I yield, without yielding the floor.

Mr. WALSH of Massachusetts. Mr. President, as a member of the subcommittee of which the Senator from Iowa [Mr. KENYON] was chairman, I wish briefly to state that I am pleased that he has called public attention to the news article concerning which he has addressed the Senate. However, the Senator from Iowa did not need to make any answer to the criticism so needlessly and unjustly made upon him. The fearless, independent, and patriotic character of his long public service is a complete answer to this newspaper attack. To my knowledge, the Senator, as chairman of this subcommittee, gave hours and days of patient, conscientious, and industrious service to the investigation of the steel strike. During my long years in the legal profession, in my service upon various committees, and during my public service in various offices of trust, I have rarely seen a public servant approach the solution of a public question more impartially and with a more determined purpose of doing justice to all parties concerned. The Senator from Iowa has performed on this committee a public service to our country of the very highest character. His honesty, his fearless indifference to partisan or class appeal, and his Americanism are invulnerable.

Mr. KNOX. Mr. President—

The PRESIDENT pro tempore. The Senator from California has the floor. Does he yield to the Senator from Pennsylvania?

Mr. PHELAN. I yield for a question.

Mr. KNOX. I beg the Senator's pardon. I merely wanted to make an observation in connection with the matter of personal privilege which has been raised by the Senator from Iowa. It will only take me a moment, if the Senator from California will yield.

Mr. PHELAN. Mr. President, inasmuch as the remarks made by the Senator from Massachusetts [Mr. WALSH] and the re-

marks to be made by the Senator from Pennsylvania [Mr. KNOX] relate to the question which by unanimous consent was excluded from the time allowed each Senator, I ask that the time of the Senator from Massachusetts and the time of the Senator from Pennsylvania be credited to their own allotments.

Mr. KNOX. I am perfectly willing to accept the floor upon that condition, because I would cheerfully give up any or all of my time in order to have the privilege of raising my voice in protest against the outrageous publication in which the chairman of the Committee on Education and Labor has been assailed.

I know of no committee in the Senate, in all of my experience in this Chamber, that has had a more delicate, difficult, and important proposition to deal with than the committee of which the Senator from Iowa [Mr. KENYON] is chairman in the steel strike investigation. It came at a time in the psychology of the world when it required the greatest wisdom, the highest courage, and the utmost industry to get at the bottom of the facts inspiring and surrounding the action on the part of the strikers which was not a voluntary action of their own, but which was brought about not only by the enemies of our Government but by the enemies of civilization. I merely wanted to have the RECORD disclose my entire sympathy with the just protest which has been made by the Senator from Iowa and an expression of my opinion as to the outrage which has been committed upon him by insinuations and assertions impugning his judicial fairness and entire impartiality in the thorough investigation made by the Committee on Education and Labor under his direction.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. PHELAN. Mr. President, I was very much interested to observe this morning that the Senator from Tennessee [Mr. SHIELDS] and the Senator from Indiana [Mr. NEW] brought up the question of the mandatories, and especially with reference to the islands of the Pacific Ocean. Indeed, the Senator from Indiana observed that the question of mandatories had not been discussed at all in the Senate during this long debate, which certainly appears to me to be a great omission, in view of the fact that the provisions of the treaty with Germany respecting mandatories is of the highest importance, not only to the United States but to the civilization of the world and to the peace of the world.

In one of the reservations proposed by the Senator from Massachusetts, known as the committee reservations, an attempt is made to disclaim for the United States any interest in the question of mandatories. By article 119 of the treaty with Germany we read:

Germany renounces in favor of the principal allied and associated powers all her rights and titles over her overseas possessions.

Evidently the Committee on Foreign Relations, in making their reservations, thought it wise for the United States not to take advantage of that provision of the treaty by which Germany gives to the principal allied and associated powers the disposition of her foreign possessions. So reservation No. 14 reads:

The United States declines to accept, as trustee or in her own right, any interest in or any responsibility for the government or disposition of the overseas possessions of Germany, her rights and titles to which Germany renounces to the principal allied and associated powers under articles 119 to 127, inclusive.

The other countries of the world are not unaware of the advantage of exercising mandatory powers as provided by the treaty; and why the United States should disclaim in advance any desire or any interest in the matter is not quite clear to me. As I say, it has not been discussed.

But what do we find in the Pacific?

Germany possessed islands both north and south of the Equator. The islands north of the Equator were coveted by Japan. Recall that we did not enter the war until April 6, 1917, when I tell you that Japan in February, 1917, two months earlier, began negotiations for the control of the islands of the Pacific, and entered into a private agreement with France and Italy and Great Britain by which she was to possess them. In other words, she foreclosed in advance, so far as she was able, and they were able, the discretion which would be given to the council of the league of nations in the disposition of the German territory.

Japan approached Great Britain in the first instance; and here I will read from the letter of His Britannic Majesty's ambassador, Conyngham Greene, dated Tokyo, February 16, 1917, referring to the conversation which he had with the Japanese Minister of Foreign Affairs.

The letter reads in part as follows:

His Britannic Majesty's Government accede with pleasure to request of the Japanese Government for an assurance that they will support Japan's claims in regard to the disposal of Germany's rights in Shantung and possessions in the islands north of the Equator on the occasion of the peace conference, it being understood that the Japanese Government will in the eventual peace settlement treat in the same spirit Great Britain's claims to the German islands south of the Equator.

In reply to that, under date of February 21, 1917, the Japanese Government says:

The Japanese Government is deeply appreciative of the friendly spirit in which your Government has given assurance, and happy to note it as a fresh proof of the close ties that unite the two allied powers. I take pleasure in stating that the Japanese Government, on its part, is fully prepared to support in the same spirit the claims which may be put forward at the peace conference in regard to the German possessions in the islands south of the Equator.

The Japanese Government approached the French Government in the same manner before the British reply had been received, as follows:

The Imperial Japanese Government has not yet formally entered into conversations with the Entente powers concerning the conditions of peace I propose to present to Germany, because it is guided by the thought that such questions ought to be decided in concert between Japan and the said powers at the moment when the peace negotiations begin.

Nevertheless, in view of recent developments in the general situation, and in view of the particular arrangements concerning peace conditions, such as arrangements relative to the disposition of the Bosphorus, Constantinople, and the Dardanelles, being already under discussion by the powers interested, the Imperial Japanese Government believes that the moment has come for it also to express its desires relative to certain conditions of peace essential to Japan and to submit them for the consideration of the Government of the French Republic.

Therefore, the Government of the French Republic accepts the suggestion.

The Government of the French Republic is disposed to give the Japanese Government its accord in regulating at the time of the peace negotiations questions vital to Japan concerning Shantung and the German islands in the Pacific north of the Equator. It also agrees to support the demands of the Imperial Japanese Government for the surrender of the rights Germany possessed before the war in this Chinese Province and these islands.

M. Briand demands, on the other hand, that Japan give its support to obtain from China the breaking of its diplomatic relations with Germany—

And so forth.

Therefore, this question of the mandatories becomes a matter of first importance. These several nations—Great Britain, France, Italy, and Japan—have apparently divided the German possessions in the south Pacific and in the north Pacific among themselves, and we are informed that a knowledge of these private arrangements had not been given to the world nor to the other belligerent powers until after the armistice had been signed.

But we have a way out, and that is why the matter should be carefully deliberated here with a view of getting some benefit for the United States in the disposition of mandatories, and more particularly to check the growing power of Japan in the Pacific Ocean. The way out is provided by article 20 of the treaty of peace with Germany, which reads as follows:

The members of the league severally agree that this covenant is accepted as abrogating all obligations or understandings inter se which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.

In case any member of the league shall, before becoming a member of the league, have undertaken any obligations inconsistent with the terms of this covenant, it shall be the duty of such member to take immediate steps to procure its release from such obligations.

Now, Germany has renounced her rights, not in favor of Great Britain and France, Italy, and Japan, but in favor of "the principal allied and associated powers"; and, therefore, the United States is in exactly the same position as Great Britain, Italy, Japan, and France with respect to her ability to derive any benefit from the awarding or the acceptance of mandatories over those countries where Germany once was in possession.

The Senator from Tennessee [Mr. SHIELDS] looks only to South Africa, where we are, indeed, not particularly interested; but I desire to call the attention of the Senate to the fact that not only are the possessions of Germany in South Africa involved but her possessions in the Pacific Ocean; and the Pacific Ocean is going to be the theater of the great events of the world's future. William H. Seward, when, as Secretary of State, he negotiated the acquisition of Alaska for the United States, at that time said, in answer to the cynics and the scoffers, that the United States would find in the possession of Alaska a means of defense against any enemy in the Pacific, and it was he who stated in words that the Pacific would be the theater of the future great activities of the world, and that the scepter would pass ultimately from the Atlantic to the Pacific, because it is the greatest ocean of the world and because the most popu-

lous countries of the world front upon that mighty sea; and the United States has a very large interest in the Pacific by reason of its Pacific littoral, as well as by its possession of the Philippine Islands and the Hawaiian Islands.

It is a long time since Mr. Seward forecast the importance of guarding our Pacific interests. It is not a long time in the life of a nation, but I doubt if he anticipated that so soon we would be confronted with a real danger.

It is little more than 60 years since Commodore Perry visited Japan, and when Seward made this declaration, during the administration of President Johnson, of which he was a member, in 1867, about 52 years ago, Japan had not shown her ability to seize the commerce of the Pacific and by victories against China and Russia demonstrate very clearly to all thinking persons that she had become one of the great powers of the world and had to be counted with. Now she shows by these secret treaties, and by abundant other evidence, that she, like Germany, as Japan is German taught, has a dream of empire and is constantly in pursuance of a policy, well thought out and planned, of seizing the islands of the Pacific and the islands of the Asian coast and the mainland of continental Asia. She has sent, where she dared not yet take up arms, as against the United States, her advance armies by emigration, and in the Hawaiian Islands, the most fruitful islands of the Pacific, she has a population of 110,000 nationals, as against 12,000 Americans, and in California she has 100,000 nationals, constantly increasing, not only by surreptitious entry over the border but by the importation of "picture" brides. The Japanese people are a very prolific people, and the women in California have shown to the departments of statistics and health that in Los Angeles County, outside the incorporated cities and towns, the Japanese increase by birth has been so great that it has absorbed one-third of the entire increase, and in a very few years in the life of a nation we will find that the Japanese population, by reason of births upon the soil, will actually overtake the whole population of the State of California.

I have here a chart which was prepared by the health officers in California which contains tables that show, in the most approved and scientific methods used by the makers of charts, the relative birth statistics and the percentage of white babies born in the State of California, and I find that in the year 2010, at the same progress which is being made now, the white population will have been submerged by the Japanese native population. That is in the year 2010, about 90 years from now. Unless some legislative action is taken by the State of California and by the Federal Government the Japanese, if allowed their way, will have submerged, I repeat, the great State of California by an inundation of a permanently alien population.

Japan, therefore, is eager to firmly establish herself in the Pacific against that day when the patient and altruistic people of the United States shall, realizing too late their danger, take up arms pursuant to the law of self-preservation—the best of all laws, they say, because the lawyers did not make it. The United States does not understand the menace, and I desire to call the attention of the Senate to the importance of taking a stand now on this subject of mandatories, and not, as recommended by the Foreign Relations Committee, refuse to participate, under the renunciation of German rights by article 19, in the benefits which would accrue to the United States by taking advantage of article 22. Article 22 relates to the disposition of mandatories and provides, in part:

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them, and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in the covenant.

Of course, these particular nations had plotted, prior to our entry into the war, for the possession of these islands, having no interest whatever in the prosperity or security of the native people.

They were there for the purpose of expansion or commercial exploitation. Japan has the double incentive, because there are approximately 700,000 births annually in Japan; Japan is a small island, and hence that population must be taken care of. Therefore she has gone into Manchuria, Korea, and Formosa, and now she is in Shantung, and she desires to get into Siberia, all of which doubtless will strengthen her Empire. There is apparently a necessity for Japan to find some means of expansion. But the islands of the Pacific, which are so insignificant in size, would not afford her any very extensive opportunity to dispose of her surplus population, but what she is after is trade and a strategic military position. In this it differs from Shantung.

To continue reading:

Article 22 further provides that—

The best method of giving practical effect to this principle—

That is, the interests of the native peoples, which form a sacred trust—

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations. * * *

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions, and other similar circumstances.

"The geographical situation of the territory" evidently was put in there to meet Japan's demands. If it had said "strategic situation" it might be another question; but she would not avow that purpose.

To continue reading:

Other peoples, especially those of Central Africa, are at such a stage that the mandatory must be responsible for the administration of the territory.

Here I point out that these mandatories are not provided for by uniform rule, but the condition of the people, the geographical position of the country, the condition of the civilization of the peoples have enabled the men who drafted this treaty, on the subject which apparently did not interest the representatives of the United States, to provide various rules, which, I suspect from the reading of it, were adopted to facilitate the carrying out of the secret treaties already entered into by Japan, Great Britain, Italy, and France. They say, very generously, that these mandatories should have in mind the equal opportunities for trade and commerce of other members of the league. That, you would think, reading it here in this paragraph, applied to all mandatories. But no. It refers to "other peoples, especially those of Central Africa."

It does not refer to the islands of the South Pacific. Then follows this:

There are territories, such as Southwest Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centers of civilization, or their geographical contiguity to the territory of the mandatory—

Mark that—

or their geographical contiguity to the territory of the mandatory, and other circumstances, can be best administered under the laws of the mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

That is to say, the mandatories—a new word in international affairs, so far as the United States is concerned—over these islands north of the Equator, or, for that matter, the islands south of the Equator, over which England claims mandatory rights, under these secret treaties, which, however, are canceled by the adoption of the pact itself because inconsistent with the pact, will be construed as transferring the territory, instead of giving a trusteeship, because they can best be administered under the laws of the mandatory as integral portions of its territory. I think under a phrase so broad they might even fortify those islands, and hence assert a practical ownership, instead of a trusteeship, and what interests us most of all as a great commercial nation, with the prospects of a vast commerce upon the Pacific, is that the open-door policy, for which this Government has always stood, would be utterly destroyed. There is no certain guaranty of a general character for equal trade opportunities, and that is the only thing the United States is asking in its commercial policy, that it be given an equal opportunity with other nations in the markets of the world.

I have here a letter from the firm of Atkins, Kroll & Co., of San Francisco, who for years have been traders in the islands north of the Equator in the Pacific, with their headquarters at Guam, now a possession of the United States, having been taken in the Spanish-American War from Spain.

This firm, suffering all kinds of disadvantages since the Japanese took possession of the Marshall and the Caroline Islands, close to Guam, made strong representations to the United States as early as January 1, 1918. I ask permission, in order to save my time, that these letters addressed to the State Department by this firm be printed as a part of my remarks in the RECORD.

The PRESIDING OFFICER (Mr. CALDER in the chair). If there is no objection, the request of the Senator from California is granted.

The letters referred to are as follows:

E. T. WILLIAMS, Esq.,
Chief Bureau Far Eastern Affairs,
Department of State, Washington, D. C.
JANUARY 1, 1918.

DEAR MR. WILLIAMS: Further to my letter to you of October 13, I am now able to inclose a report on conditions now ruling in Saipan, Marianas Islands, Truk, Caroline Islands; and Jaluit, Marshall Islands.

Owing to the intolerable rules and regulations forced upon us by the Japanese authorities these reports are not nearly as complete as I should have liked, but I have no doubt but what they will prove of interest to you.

You will recollect that when I was in Washington last June I advised you that we would send one of our employees on one of the Japanese transports around to visit every important island under Japanese control, and this Mr. Marchant, our Guam manager, attempted to arrange. However, although Mr. Inouye got as far as Jaluit he was stopped there, and was not allowed to proceed further; consequently we have been unable to obtain any information regarding the islands other than the three visited.

The situation is, as you can see, anything but satisfactory to us. Last year we went to the expense of about \$30,000 gold to build and equip the auxiliary schooner *Acarua*, which was particularly designed to trade with these islands, using Guam as a base. She has now been out there about one year and, owing to the Japanese regulations, has obtained absolutely no copra from these islands under Japanese control, and so far her operations have resulted in a direct loss to us of about \$15,000. The situation is so bad and so discouraging that we have decided to, at least temporarily, take her away from Guam and send her down to our branch in the Philippine Islands, where tonnage is badly required.

It is very disappointing to us to have to take this step for, as mentioned above, the *Acarua* was built for the Guam business and we had hoped to build up a satisfactory trade in American merchandise and in copra with the surrounding islands, using the *Acarua* as a means of transportation and communication.

We have established a small station at Saipan, but how this will turn out remains to be seen. If anything at all is to be done it will be necessary for the Japanese to give us their permission to keep up communications between Guam and Saipan by means of our power launch *Kavara*, and we have already had this matter up with you. I understand from Mr. Schlobohm that you have cabled to our embassy at Tokyo, directing the ambassador to make the necessary representations. I sincerely trust that he will be successful in his efforts.

A reading of the report will convince you, I feel sure, that the Japanese are doing all that they possibly can to keep us out of these islands, solely in order to enable their own traders to get such a strong foothold as to place them in an impregnable position by the time the war is over, even though as a nation Japan has to relinquish control of those islands at that time. This is certainly most unfair to Americans, particularly in view of the treatment which the Japanese have been accorded in Guam.

Guam, being a naval reservation, is under the law closed to vessels under foreign flags. However, during President Taft's time an Executive order was issued, opening the trade of Guam to Japanese trading schooners, and this regulation is still in force. The order was made owing to the fact that at that time no Americans were doing business in Guam, the inhabitants thus being dependent solely upon Japan for food supplies and for a market for their copra. Since that time the situation has entirely altered, as we have established a line of vessels between San Francisco and Guam which keeps the inhabitants supplied with all the American supplies which they require, and at the same time these vessels afford an opportunity of shipping all of the copra which Guam can produce to this country. It therefore seems to me that in view of the hostile attitude which the Japanese authorities are showing toward us, it would only be fair if our Government were to rescind the regulation issued by President Taft and again close the island of Guam to vessels flying the Japanese flag.

So far as we ourselves are concerned, we would prefer to let the Japanese continue to operate to Guam, but we be allowed to trade with the islands under their control. If the freedom of Guam were taken away from the Japanese merchants these men in Guam might make such a demonstration at Tokyo as would result in their opening up the islands under Japanese control to us, in return for which our Government could again reopen Guam to the Japanese.

I shall be glad if you can give your consideration to this feature of the problem and advise whether something can not be done along the lines indicated.

In connection with the ultimate disposition of these islands which are now under Japanese control I should like to call your attention to that portion of the report on Jaluit which treats of the friendly feeling of the natives toward Americans.

This I regard as very significant indeed, and it seems to me that this sentiment should be taken into consideration by our Government when the matter of the disposition of these islands is taken up at the conclusion of the war. I am quite certain that, as far as the natives are concerned, this country could and would do infinitely more for them than would either Germany or Japan, and, from the selfish point of view, an important trade could be built up in these groups for American merchandise, and important quantities of copra could be obtained there for this country.

Surely the American Nation should accept some responsibility toward the less fortunate people of the earth in our neighborhood, such as these poor South Sea Islanders.

Under German or Japanese rule their lot is not a happy one. Apropos of this I am sending you under separate cover a small book which treats of the German treatment of the natives in their (ex) African colonies. Under American protection these South Sea Islanders could not be exploited and could not be oppressed, and something would be done toward elevating their position at least somewhat.

Politically the acquisition of these islands would be most important, as with them we would have a path of American possessions clear across the Pacific—first, the Hawaiian Islands, then the Marshall Islands, then the Carolines and the Marianas, and then the Philippines.

I trust that the matter will be given consideration when the time comes.

Awaiting the favor of your reply, and with best wishes for the new year, I beg to remain,

Yours, sincerely,

CLIFTON H. KROLL.

SEPTEMBER 20, 1919.
The honorable the SECRETARY OF STATE,
Washington, D. C.

SIR: Messrs. Atkins, Kroll & Co., exporters and importers, of 260 California Street, San Francisco, Calif., are interested in developing American trade in the Far East, particularly in the islands of the South Pacific. Their main office is at San Francisco, and branch offices are located at various places in the Philippines, Dutch East Indies, and Guam.

The plant at Guam, which is thoroughly equipped and quite expensive, is designed to act as a base for carrying on trade with other islands in the South Pacific. Messrs. Atkins, Kroll & Co., before the beginning of the World War, planned to establish branch offices at Saipan, in the Marianas Islands; at Truk, in the Caroline Islands; and at Jaluit, in

the Marshall Islands. It was intended to have small vessels radiate from these branch stations to visit the various islands in each group. The copra and other products obtained was to be shipped from the branch office to the Guam plant and from there transhipped to the United States. In return for these commodities the company intended to trade American merchandise and products only.

The consummation of these plans was prevented, because upon the outbreak of the war the German colonies mentioned were taken over and occupied by the Japanese Government military authorities. As outlined in previous letter to your department, particularly in the confidential report of Messrs. Atkins, Kroll & Co., dated January 1, 1918, the company as well as other traders were practically excluded from trading with and upon these islands by order of the Japanese authorities on the excuse that "military necessity" made such trading there impossible. Protests were filed with your department, and after considerable negotiation the Japanese Government granted to Messrs. Atkins, Kroll & Co. a permit to trade with one small vessel at one island—Saipan. This permit was not satisfactory, owing to the restrictive regulations enforced by the Japanese military authorities in the islands.

There is no longer any reason for military regulation of the islands to the detriment of trade and commerce. Messrs. Atkins, Kroll & Co. are now ready and desire to fulfill the plans outlined above and to renew their efforts to develop American trade. However, by the terms of the covenant of the league of nations and by the terms of the treaty of peace with Germany, now under consideration, these islands will continue to be controlled, under a mandate, by the Japanese Government.

Article 22 of the covenant provides that the degree of control to be exercised by the mandatory shall either be outlined by the terms of the mandate or determined by the council of the league. It is our understanding that the question of the terms of the mandate are being considered now in conference at Paris.

While it is true that article 23 of the covenant declares the general principle to be that the members of the league will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all members of the league, nevertheless this question is of such importance that Messrs. Atkins, Kroll & Co. believe that the American representatives at Paris should be instructed to take positive steps to protect the American trade in the islands. Provisions should be definitely outlined whereby American traders, as well as the nationals of all the Allies, shall be given the same privileges as the nationals of the mandatory. Unless this is done, the powers holding the mandate could by special regulations embarrass the traders of other nationalities and could thus check and seriously hamper the development of American trade, which at this time should be encouraged and assisted.

It is respectfully requested that the American representatives be instructed at once to insist upon the inclusion in the mandates of terms which would without any question protect American trade and which would assure equal rights and privileges in the islands. These terms should be so specific as to permit of no other interpretation by the officials of the powers holding the mandate.

Your cooperation and advice in this regard would be appreciated.

Respectfully, yours

FOR ATKINS, KROLL & CO.

Mr. PHELAN. They show that with their establishment at Guam as a center for trading with the small islands, they have been doing a very profitable business in copra. Copra is the dried meat of the coconut and was used during the war for glycerine production for military purposes. The husk of the coconut was used to make charcoal for the masks which protected our boys against suffocating gases. The product is equally valuable in peace.

The trade of this firm, which is not a large firm, alone amounted to 1,500,000 pounds of copra a year. As soon as Japan went down there and took these islands their trade was cut off. They were not allowed to land at any of the small islands where they went to barter exclusively American goods with the natives for copra. Japan took the business over in spite of the fact that our policy in the Orient is the open door.

After many representations to the State Department, finally Japan conceded the privilege that they might go to one island, mentioned particularly in the letter, and there they might trade with that island and the people upon that island provided that they did not land upon the shore. It is almost a mockery because the natives would not come upon the ships and the merchants were not allowed to go upon the shore, so in disgust they abandoned for the time being their enterprise and established trade.

That is but one example of the way our merchants have been treated in the islands of the Pacific, and yet we are constantly boasting of our prowess, both commercially and militarily. We are talking of extending our trade, and we are talking of building a merchant fleet that will rival the fleets of other lands, and a Navy the equal of any, and yet when we come down to a concrete proposition of giving our merchants equal opportunity in a trade which they have always enjoyed we have been unable effectively to secure it.

Of course, if these islands are given to Japan as a mandatory, being contiguous to her territory, she will, under the cunning language of this mandatory agreement provided by article 22 of the treaty, find it convenient to administer the mandatory as an integral portion of her territory, and there would be a very great danger, indeed, unless we hold our position as a member of the council under the treaty and control by our vote mandatory rights, whether assumed by us or otherwise. Our commerce and our position among nations as a first-class power require it.

In paragraph (e) of article 23 we find this language:

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the members of the league

(e) Will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all members of the league. In this connection the special necessities of the regions devastated during the war of 1914-1918 shall be borne in mind.

Note it does not say "equal treatment," but "equitable." Shall we not sit with the council to protect our rights, commercial and military? Why throw away the advantage which can be enjoyed by not assuming necessarily any obligation?

There is the one paragraph, at least, upon which we can stand, provided we go into the league and provided we do not reject, as the committee reservation provides, the privilege which we will enjoy by article 19 as one of the principal allied and associated powers. There is but one thing more to say, and that is with reference to the necessity of prompt action. In the same article 22 there is this dangerous provision:

The degree of authority control or administration to be exercised by the mandatory shall, if not previously agreed upon by the members of the league, be explicitly defined in each case by the council.

"If not previously agreed upon by the members of the league."

Of course, I can not believe that that relates back to the secret treaties, because at that time there was no league established. The nations involved were merely belligerents; so it must refer to something else, and it does refer to a commission that is now sitting in Paris disposing of these very mandates. I believe that we are not represented on that commission, because the Senate or a majority of the Senate have by vote expressly stated that until the treaty is ratified the United States should not participate in the deliberations of any of the many commissions set up by the treaty. Hence we find these foreign Governments now disposing of these mandatory rights, although we are not represented. For that purpose I propose this reservation:

The United States so understands and construes article 22 as to guarantee under all forms of mandates equal opportunity for trade and commerce for all members of the league; and that the council, when organized and after the United States shall have assumed its membership, shall have the power to explicitly define and control mandatory authority from time to time.

That is to say, there shall be no final disposition of the mandatory powers until the United States participates by its own right and by its own act as a member of the council. In other words, that she shall not arrive there, if she is ever going to arrive, and find that the mandates have, under the provisions of article 22, been agreed upon previously by the members of the league. If that were done, there is no question that Japan would be given mandatory over these Pacific islands and Great Britain would be given mandatory of those islands south of the Equator.

As to the disposition of the European, African, and Asiatic territories, I am not concerned for the moment; but we would find then Japan reinforced in a military sense and in a commercial sense in such manner that it would be difficult for us to dislodge her.

The key of the Pacific is the Hawaiian Islands. We have great fortifications there, and we have a great naval base there not adequately protected. But so soon as Japan can acquire those islands, I am advised by the best naval authorities that she can make a campaign not only against Hawaii but against the Pacific coast of North America. She will establish bases and she can protect her fleet as it comes across the Pacific against any attack made by the United States, for every fortified island with a harbor is more than equivalent to many warships permanently anchored right in the path of her military progress. Of course, if she should take Hawaii, the Pacific coast would be absolutely exposed.

The Navy Department have asked us particularly to see that the island of Yap is reserved for them, and that is one of the Marienne Islands, and if we now renounce our rights to any of the mandates we can not take Yap; and without Yap we can not maintain our radio and naval communication, so necessary in time of peace as well as in time of war. The Navy emphatically asks that the Senate, in the disposition of this matter, see that we do acquire rights in Yap for the purpose of maintaining communication.

Therefore, Mr. President, if I have an opportunity under the rules to present the reservation which I submitted and had printed in the Record on November 7, I shall offer it. In the meantime, I trust the Senate will reject the fourteenth of the committee reservations, because it in advance declares that we shall take no interest whatever in the disposition of the mandatory rights.

Although Germany has renounced them in favor of all other powers, we shall withdraw ourselves from any possible benefits. Why should not that be left to the representatives of the United States in the council? We have acted as though we regard our representatives as being unworthy of trust. Now, the Senate has provided, by the adoption of some reservations, that these representatives shall be appointed by and with the consent of the Senate, so there is no danger that the President, who seems to be the object of much hostility in certain parts of this Chamber, will appoint somebody who will act contrary to the wishes of the United States. The Senate has provided for and safeguarded the appointment and powers of our representatives in the council, and it certainly should not now renounce any of the rights which it enjoys under the treaty of peace with Germany.

Mr. SHIELDS. Mr. President, I am somewhat surprised at the deep interest of the Senator from California [Mr. PHELAN] in these islands which he thinks will go to Japan by virtue of this treaty under a mandate. I believe the Senator is overlooking the fact that they have already gone to Japan and the treaty is simply to guarantee their title. The proposition to reserve the question is an effort to defeat that title and to hold in reserve the power of the United States in order to get possession of some of those islands.

I am as much opposed to Japan having these islands as anyone can possibly be.

Mr. PHELAN. Will the Senator please state what he means by saying that these islands have already gone to Japan?

Mr. SHIELDS. Certainly. They have gone to Japan under the secret treaties made during the war by Great Britain, France, and Italy, and Japan, under which all four of those countries obtained territory; and the other three are going to stick to those treaties and hold on to that territory. Therefore they are bound to stand by Japan and have already agreed to do so, under the old adage that there is honor among certain shifty persons. I can not give the Senator from California any more of my time.

Mr. PHELAN. But the Senator from Tennessee is in error.

Mr. SHIELDS. Mr. President, I am surprised at the Senator having so much anxiety about these little islands when I remember his former position, when he was willing to take away from one of our allies and to give to Japan in the Shantung a territory of 40,000 square miles containing 30,000,000 people. As I remember, the Senator voted against all amendments and all reservations that attempted to remedy that iniquity; but now he is greatly agitated at the prospect of Japan getting only a few hundred square miles and a few thousand natives. With due respect, this looks to me like swallowing a camel and straining at a gnat.

I am as much opposed to Japan getting the Pacific islands as is the Senator. The object of this reservation is to prevent that consummation and that is why I am adhering to it. I am not willing merely to accommodate one of the Senator's constituents who is trading over there in coca and some other little products, to involve the United States in wars, in the expenditure of perhaps many millions of dollars, and in the sacrifice of the lives of American boys. I do not think the little commerce of which he speaks should be taken into consideration if it involves an abandonment of a great policy of this country and entails perhaps great cost in the expenditure of life and treasure.

As I have stated, these islands under the secret treaties were to go to Japan. Those treaties have been in part carried out at the peace conference in Paris. A portion of Africa has been given to Great Britain, a portion to France; some of these islands have been given to Great Britain and some to Japan, although Japan, of course, receives much smaller territorial concessions than the other powers. If we ratify this treaty without this reservation we simply acquiesce in the secret treaties and in the arrangement that has been made. Japan certainly gets the islands.

This is not a question of mandates; that is a matter to be disposed of hereafter under the general power of the league to give mandates to the various members to the league. This reservation has no relevancy whatever to the question of mandates.

So far as the probability of Japan getting these islands is concerned, that is entirely post-mortem, because she has already got them if the treaty is ratified. The question is simply whether or not under this treaty Senators are willing to guarantee the title, to carry out the secret treaties and give the Pacific islands to Japan. Although they are small, they can be used as a base of operations. I can not see much consistency in the Senator's argument, and most of it is irrelevant. The treaty as framed is clearly a desertion of the policy of our country opposing entangling alliances and interference with the affairs of foreign countries.

This great policy of the United States, proclaimed by Washington, by Cleveland, and advocated by President Wilson in several addresses, has saved this country from many wars and ought not to be abandoned. I have here brief extracts from their messages and public addresses upon the subject, which I ask to have printed as a part of my observations upon this subject.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

"Washington, in his Farewell Address to the American people, September 17, 1796, said:

"Against the insidious wiles of foreign influence—I conjure you to believe me, fellow citizens—the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. * * *

"The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop. Europe has a set of primary interests, which to us have none or a very remote relation. Hence she must be engaged in frequent controversies the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities. Our detached and distant situation invites and enables us to pursue a different course. * * *

"Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice? It is our true policy to steer clear of permanent alliances with any portion of the foreign world. * * *

"Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies. * * *

"Constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that, by such acceptance, it may place itself in the condition of having given equivalents for nominal favors and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion, which experience must cure, which a just pride ought to discard."

"President Grover Cleveland, in a message to Congress, 1885, said:

"The genius of our institutions, the needs of our people in their home life, and the attention which is demanded for the settlement and development of the resources of our vast territory, dictate the scrupulous avoidance of any departure from that foreign policy commended by the history, the traditions, and the prosperity of our Republic. It is the policy of independence, favored by our position, and defended by our known love of justice and by our own power. It is the policy of peace suitable to our interests. It is the policy of Monroe, and of Washington and Jefferson—"Peace, commerce, and honest friendship with all nations; entangling alliance with none."

"And Mr. Cleveland said, in regard to the Venezuelan controversy with Great Britain:

"Such reply is embodied in two communications addressed by the British Prime Minister to Sir Julian Pauncefote, the British Ambassador at this Capital. It will be seen that one of these communications is devoted exclusively to observations upon the Monroe doctrine, and claims that in the present instance a new and strange extension and development of this doctrine is insisted on by the United States, that the reasons justify an appeal to the doctrine enunciated by President Monroe are generally inapplicable "to the state of things in which we live at the present day," and especially inapplicable to a controversy involving the boundary line between Great Britain and Venezuela.

"Without attempting extended argument in reply to these positions, it may not be amiss to suggest that the doctrine upon which we stand is strong and sound because its enforcement is important to our peace and safety as a Nation, and is essential to the integrity of our free institutions and the tranquil maintenance of our distinctive form of government. It was intended to apply to every stage of our national life, and can not become obsolete while our Republic endures. If the balance of power

is justly a cause for jealous anxiety among the Governments of the Old World, and a subject for our absolute noninterference, none the less is an observance of the Monroe doctrine of vital concern to our people and their Government.

"Assuming, therefore, that we may properly insist upon this doctrine without regard to the 'state of things in which we live,' or any changed conditions here or elsewhere, it is not apparent why its application may not be invoked in the present controversy."

"President Wilson said at the dedication of the monument of Commodore John Barry, Washington, D. C., Saturday, May 16, 1914:

"What does the United States stand for, then, that our hearts should be stirred by the memory of the men who set her Constitution up? John Barry fought, like every other man in the Revolution, in order that America might be free to make her own life without interruption or disturbance from any other quarter. You can sum the whole thing up in that, that America had a right to her own self-determined life; and what are our corollaries from that? You do not have to go back to stir your thoughts again with the issues of the Revolution. Some of the issues of the Revolution were not the cause of it, but merely the occasion for it. There are just as vital things stirring now that concern the existence of the Nation as were stirring then, and every man who worthily stands in this presence should examine himself and see whether he has the full conception of what it means that America should live her own life. Washington saw it when he wrote his Farewell Address. It was not merely because of passing and transient circumstances that Washington said that we must keep from entangling alliances. It was because he saw that no country had yet set its face in the same direction in which America had set her face. We can not form alliances with those who are not going our way; and in our might and majesty and in the confidence and definiteness of our own purpose we need not, and we should not, form alliances with any nation in the world. Those who are right, those who study their consciences in determining their policies, those who hold their honor higher than their advantage, do not need alliances. You need alliances when you are not strong, and you are weak only when you are not true to yourself. You are weak only when you are in the wrong; you are weak only when you are afraid to do the right; you are weak only when you doubt your cause and the majesty of a nation's might asserted."

"As showing that the same conditions that existed in Europe when Washington issued his Farewell Address and when he spoke in May, 1914, exist to-day, I read from the President's address delivered at Boston, Mass., on his return from Paris last February.

"But you understand that the nations of Europe have again and again clashed with one another in competitive interest. It is impossible for men to forget those sharp issues that were drawn between them in times past. It is impossible for men to believe that all ambitions have all of a sudden been foregone. They remember territory that was coveted; they remember rights that it was attempted to extort; they remember political ambitions which it was attempted to realize. And while they believe that men have come into a different temper, they can not forget these things, and so they do not resort to one another for a dispassionate view of the matters in controversy."

Mr. SHIELDS. Mr. President, these great men opposed an entangling alliance with any nation, and now under the same conditions it is proposed to enter into an alliance of the most sinister kind with 57 nations.

Mr. PHELAN. Mr. President, just a word. The Senator from Tennessee [Mr. SHIELDS] states very positively that Japan now possesses mandatory rights in the islands north of the Equator and bases that claim upon secret treaties. I pointed out in my remarks that those secret treaties are abrogated in so far as they are inconsistent with the treaty of peace with Germany, as the Senator must have observed at the time. In article 22 is this language:

The degree of authority, control, or administration to be exercised by the mandatory shall, if not previously agreed upon by the members of the league, be explicitly defined in each case by the council.

So that—unless while we are debating this subject the council has acted, which the Senator does not allege—the council has control over the government of the mandatory.

As to Shantung, there is not before the Senate at this moment any question as to the disposition of Shantung; but I desire to say that under the secret treaties Japan merely holds the German rights in Shantung, which are economic rights, and there is no question of transferring the territory with its millions of human beings. Japan only claims economic rights and rights to the railroads.

If Japan claims under the secret treaties, for the same reason, namely, that those treaties have been abrogated by article 20, she has now no title nor will she have until the council takes final action. So far as I am advised, the council, when it meets with representatives from the United States, will take up and settle these questions with Japan, and we are not now foreclosed from acting. There is nothing inconsistent whatever in my course. I am saying that if Japan is to have any reward for her participation in the war—and because she was allied with us and guarded the Pacific against Germany the United States was enabled to send its troops and its men to the other side and so to win the war—if Japan is to have any reward for her participation in the war I sincerely trust that she shall be given territory for her excess population in Asia and not in the Pacific islands or on the coast of California. This course is dictated by our manifest trade and military necessities and by the conservation of the white race in continental United States.

Mr. FRANCE. Mr. President, I feel constrained to say a few words in opposition to the fourteenth reservation for the reason that I fear that there are many Senators who as yet do not fully comprehend the large questions involved in it. I dislike very much to be in opposition to the distinguished Senator from Tennessee [Mr. SHIELDS], whose great learning, distinguished abilities, and fine courage have made him so eminent a Member of this body; nor do I feel that in taking the position which I assume that I am in opposition to the general principles he has enunciated.

I do not oppose this reservation on the ground that the Senate should at this time and without full consideration of the great questions involved commit the United States to a definite policy with regard to the former German colonies in Asia, Africa, and Oceania, but, on the contrary, because the adoption of this reservation would finally and for all time commit us to a policy the results of which have not been carefully considered, while its defeat would leave us free in the future, after mature deliberation and discussion, to adopt any policy with respect to this great problem, in which we have vital interests, which will serve those interests as well as the cause of world peace and progress.

If we defeat this reservation, the question of the final disposition of these colonies will be left to the decision of the league of nations, and when this question is brought before the league for its consideration our representatives can participate or not in the proceedings, either acting affirmatively in such a way as would best conserve our interests or negatively declining to accept any responsibility. If we adopt this reservation, the possibility of our ever taking any part in the decision or action of the powers with reference to this question is forever foreclosed.

I have been opposed to this league of nations plan not because I advocate a policy of national isolation but because the kind of an association of the nations in which I believe is a true league of all nations for the purposes of effectual cooperation for the elimination of the causes of war and for the elevation of the backward peoples, while this so-called league of nations plan has seemed to me to be more in the nature of an entangling alliance with one group of imperialistic powers. I have therefore been in favor of all reservations which would tend to prevent our being inextricably involved in such entangling alliance. But I am opposed to a reservation such as this one, which would leave us a participant in the league and yet prevent us for all time from having any voice, so far as the former German colonies are concerned, in one and to an extent in both of the two main purposes which any league of nations can serve. The value and hope of any league of nations is twofold: First, to find means for the prevention of war between the advanced nations of the world; second, to devise methods of international cooperation for the civilization and the advancement of the backward and aboriginal peoples of the world. The adoption of this reservation would, in my judgment, go far to destroy any possibility of value which there might be in our participation in the league, first, because the question of the proper disposition of the German colonies is a vital one as affecting the future peace of the world; and, secondly, because it would conclusively prevent our having any large part in the solution of the great problem of the advancement of the peoples of Africa, to which advancement we have already committed ourselves by a national policy long since announced. We would be prevented by the adoption of this reservation from having a voice in the disposition of a question which, if not settled along the lines of broad and unselfish statesmanship, looking toward an open door for all the nations and toward true international cooperation in Africa, contains within it the germs of new wars, and we would be denied the high privilege of working with the other nations for the welfare

of those peoples in whom we have a peculiar interest and for whose welfare heavy responsibilities rest upon us. The adoption of this reservation would, indeed, cut the heart out of the league. If we are to be in the league at all, let us not be there voiceless and impotent when this great problem comes up for consideration and decision.

EXTENT OF GERMAN EMPIRE.

Germany was a great empire, her colonial possessions and her spheres of influence embracing an area of 1,484,944 square miles, a territory approximately one-half of the total area of the United States, a one-fifth interest in which huge domain is vested in the United States under article 119.

The territory of the German Empire is in Asia, Africa, and Oceania, the German island possessions alone, particularly those north of the Equator, being, because of their strategic positions near the cable routes and in part interposed between the United States and the Philippines, of great potential importance to the United States and an asset which should not be transferred to a power which may become unfriendly.

Germany possessed the Mariana and Caroline archipelagos and 70,000 square miles of northeast New Guinea; the Bismarck Archipelago, 20,000 square miles; the Northern Solomon Islands, 4,200 square miles; and in the Samoan Archipelago she had 9 out of 14 islands.

In Africa she possessed imperial possessions of uncomputed value, embracing an area of 1,032,280 square miles, or about one-third of the United States, made up as follows:

	Square miles.
Kamerun (West Africa)-----	291,950
Togoland (West Africa)-----	33,700
German East Africa-----	384,180
German Southwest Africa-----	322,450
	1,032,280

Much of this territory is very valuable with highly fertile soil, rich mineral deposits, vast agricultural possibilities, water power, and a salubrious climate.

German Southwest Africa is well watered, has a fine climate, and rich mineral deposits. In the Kamerun are mineral deposits and there are no doubt valuable deposits of tin, while its coast sections are rich in palm-oil trees, timber, and rubber. Togoland is also extremely valuable for its tropical products, while in German East Africa there may probably be found extensive deposits of coal, gold, copper, and iron.

So great is the value of this African territory that as early as October, 1914, such prominent Englishmen as Sir H. H. Johnston, who is an authority on Africa, advocated England taking this territory, and indeed some of it England seems then to have claimed what she had conquered there. In addition to this, some English publicists are seriously contending that Great Britain should have the Belgian Congo, embracing 900,000 square miles of the heart of Africa, and in the absence of an affirmative American policy, the Kongo may go to Great Britain.

PROPOSED DISPOSITION OF GERMAN COLONIES.

It was decided at the peace conference at Paris that Germany should be deprived of all of her oversea possessions, and in articles 118 to 127 this policy has been embodied in the peace treaty, the principal article being—

Section 1.

GERMAN COLONIES.

Article 119.

Germany renounces in favor of the principal allied and associated powers all her rights and titles over her overseas possessions.

On May 5, 1919, there was made a provisional organization of the league of nations, and on the following day the so-called council of three—M. Clemenceau, President Wilson, and Lloyd-George—met and decided upon a tentative disposition, subject to the approval and ratification of the league of nations, of the German colonies as outlined in the official statement as reported as follows. I ask permission to insert that without reading.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

Togoland and Kamerun: France and Great Britain shall make a joint recommendation to the league of nations as to their future.

German East Africa: The mandate shall be held by Great Britain.

German Southwest Africa: The mandate shall be held by the Union of South Africa.

The German Samoan Islands: The mandate shall be held by New Zealand.

The other German Pacific possessions south of the Equator, excluding the German Samoan Islands and Nauru: The mandate shall be held by Australia.

Nauru (Pleasant Island): The mandate shall be given to the British Empire.

The German Pacific Islands north of the Equator: The mandate shall be held by Japan.

Mr. FRANCE. Belgium immediately protested against this tentative disposition, made by the council of three, the representative of Belgium not being present at the deliberations, and I quote from this protest.

I ask permission to insert that without reading.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

In view of Belgium's important military operations in Africa, her sacrifices to insure the conquest of German East Africa, and the fact that her situation has given her rights on that continent, Belgium is unable to admit that German East Africa should be disposed of by agreement in which she had not participated.

Mr. FRANCE. As a result of this protest, Great Britain ceded to Belgium certain important territories in the districts of Ruanda and Urundi to Belgium.

A most valuable article on this subject by Alpheus Henry Snow appeared in the October 18 issue of The Nation, which article I have followed closely. Mr. Snow is a profound student of and an eminent authority on the whole subject of colonial administration and of the relationships, legal, social, and ethical, between the advanced nations and the aboriginal peoples. I can highly commend the work of Mr. Snow upon this subject, particularly his monograph on "The Question of Aborigines in the Law and Practice of Nations," which has been most helpful to me and which I have used freely.

In connection with the cession by Great Britain to Belgium of a part of the former German African colonies, the interesting question has been raised whether a mandatory can cede territory intrusted to it, and in this connection I ask leave to have printed an editorial on the subject.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

[From the Boston Sunday Herald, Sept. 21, 1919.]

CAN A MANDATORY CEDE?

The cession of African territory by Britain to Belgium raises a most important question respecting the power of a mandatory of the league of nations. When a nation accepts a mandate from the league to administer a certain territory for the good of the inhabitants, has it the right to alienate a part of that territory, transferring it to another nation, as if the mandatory were not agent or trustee but power? The peace conference assigned the whole of German East Africa to Britain as a mandatory of the league. This was a perfectly intelligible proceeding to which nobody objected, the territory having been taken from the Germans by British forces, operating from the adjoining colonies of British East Africa and Rhodesia. It may even be said that there was a peculiar fitness in the arrangement because of the Germans having originally acquired the territory from the British by a bargain in which the latter were outwitted, finding later that they had given away land without which they could not make the Tanganyika section of their projected Cape to Cairo Railway. But the peace conference did not cede Germany's lost possession to Britain. Indeed, there was no title in the conference to cede it to her, particularly when she had made herself mistress of it and was its actual possessor. And never a word was heard about any right on her part to annex the territory. Yet she now acts as owner, making a gift of the districts of Ruanda and Urundi to Belgium. They border the southern end of Lake Tanganyika and adjoin the Belgian Congo and are the most fertile portions of the former German colony, with a native population of more than 3,000,000. It is said that this free gift to Belgium is a mark of Britain's gratitude to her ally. That may be; but was it hers to give? And could she rightly hand over those millions of people to government by another nation after having agreed to govern them beneficially herself as the league's appointee for that service? Suppose America were to yield to the apparent wish of the conference and of the Armenians that she should accept a league mandate to act as guide and guardian of Armenia. Would she then have the right to make a gift of, say, Silesia to France? That is unthinkable. There is a difference, of course, between a civilized people in Asia and an uncivilized people in Africa, but it is not so great as to make right in one case an act which would be wrong in the other. The East African affair does not convey a favorable impression of the mandatory system. There is just one step that the conference might take to remove the objections: Transfer from Britain to Belgium the mandate for the government of the Ruanda-Urundi country.

Mr. FRANCE. The tentative distribution of the German colonies by the council of three was made, as I have said, subject to the approval of the league of nations. I quote from the President's answers to three of the questions—12, 13, and 14—propounded by Senator FALL. I ask permission to insert those, Mr. President, and to read only a brief extract.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

12. Germany's renunciation in favor of the principal allied and associated powers of her rights and titles to her overseas possessions is meant similarly to operate as vesting in these powers a trusteeship with respect of their final disposition and government.

13. There has been a provisional agreement as to the disposition of these overseas possessions, whose confirmation and execution is dependent upon the approval of the league of nations, and the United States is a party to that provisional agreement.

14. The only agreement between France and Great Britain with regard to African territory of which I am cognizant concerns the redistribution of rights already possessed by those countries on that continent. The provisional agreement referred to in the preceding paragraph covers all the German overseas possessions in Africa as well as elsewhere.

Mr. FRANCE. The President says, in answer to question No. 13:

There has been a provisional agreement as to the disposition of these overseas possessions, whose confirmation and execution is dependent upon the approval of the league of nations, and the United States is a party to that provisional agreement.

This most important question of the final disposition of the German colonies should be one of the first to be considered by the league of nations; and by the adoption of this reservation we decline to participate in any deliberations or to accept any responsibilities concerning this question, and we repudiate the action of President Wilson and the council of three in making this tentative disposition, while leaving the final decision to the league of nations, President Wilson and the other members of the council of three no doubt believing that the valuable counsel and advice of the United States in the league of nations would be had on this subject.

I wish that I might refer in this connection to the general subject of the relationships and obligations of the advanced nations to the subject peoples and to the aboriginal races. I ask permission to insert at this point a quotation from the work of Mr. Snow above referred to.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

THE DUTIES OF CIVILIZED STATES AS GUARDIANS OF ABORIGINES.

In the declarations of international conferences dealing with the relations between civilized States and aborigines under their sovereignty, the duties incident to this guardianship have not been definitely recognized as being of a tutorial character. The Berlin African conference, indeed, declared the obligation of the signatory powers "to watch over the preservation of the native tribes and to care for the conditions of their moral and material well-being and to help in abolishing slavery, and especially the slave trade." As respects the positive duty of the State to undertake directly the education and training of the aborigines in the arts and sciences of civilization and in the political principles on which all civilized society is based, the declaration is indefinite. It seems to have been contemplated that the education of the aborigines would be effected principally by religious and charitable associations of a private character. The provision on this subject is as follows:

"The signatory powers shall, without distinction of creed or nation, protect and favor all religious, scientific, or charitable institutions and enterprises created and organized for the above ends, or designed to instruct the natives, and to bring home to them the blessings of civilization. Christian missionaries, scientists, and explorers, with their escorts, property, and collections, shall likewise receive special protection.

"Freedom of conscience and religious toleration are expressly guaranteed to the natives, as well as subjects and foreigners. The free and public exercise of all forms of divine worship and the right to build edifices for religious purposes and to organize religious missions belonging to all creeds shall not be limited or fettered in any way whatsoever."

The Brussels African conference declared that those in charge of the fortified stations to be established in Africa should have the following "subsidiary duties" (Art. II):

"... To initiate (the native populations) in agricultural labor and in the industrial arts so as to increase their welfare; to raise them to civilization and bring about the extinction of barbarous customs, such as cannibalism and human sacrifices."

The interest of all civilized States in colonizing enterprises was stimulated by the entry of the United States into the civilized world as a colonizing power. The general sentiment of the American people, voiced by its statesmen, was that domination of distant communities by a republic was permissible when needful and to the extent needful, but only provided the State recognized and fulfilled the positive and imperative duty of helping these dominated communities to help themselves by teaching and training them for civilization as the wards and pupils of the nation and of the society of nations. Democracy and republicanism were not to be promulgated, the American people held, by destroying those who were ignorant of these principles or who disbelieved in them, but by the positive, helpful, propagandist work of republics in converting to these principles the nondemocratic and nonrepublican part of the world with which they were politically connected.

It is acknowledged by European writers that the year 1898 marks the beginning of a new epoch in the art and science of colonization, in which civilized States have recognized more and more definitely that guardianship of aboriginal tribes implies not merely protection, not merely a benevolence toward private missionary, charitable, and educational effort, but a positive duty of direct legislative, executive, and judicial domination of aborigines as minor wards of the nation and of equally direct legislative, executive, and judicial tutorship of them for civilization, so that they may become in the shortest possible time civil and political adults participating on an equality in their own government under democratic and republican institutions.

Mr. FRANCE. That extract refers to the great new colonial policy which was announced to the world in 1899 by the United States after the acquisition by the United States of the Philippine Islands. In 1899 the Philippine Commission, by order of the President, made an announcement which marked a new era in the history of colonial administration in the world. I ask permission to insert certain extracts from that proclamation by the Philippine Commission in 1899.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

The aim and object of the American Government, apart from the fulfillment of the solemn obligations it has assumed toward the family of nations by the acceptance of the sovereignty over the Philippine Islands, is the well being, the prosperity, and the happiness of

the Philippine people and their elevation and advancement to a position among the most civilized peoples of the world.

The President believes that this felicity and perfection of the Philippine people is to be brought about by the assurance of peace and order; by the guaranty of civil and religious liberty; by the establishment of justice; by the cultivation of letters, science, and the liberal and practical arts; by the enlargement of intercourse with foreign nations; by the expansion of industrial pursuits, trade, and commerce; by the multiplication and improvement of the means of internal communications; by the development, with the aid of modern mechanical inventions, of the great natural resources of the archipelago; and in a word by the uninterrupted devotion of the people to the pursuit of these useful objects and the realization of those noble ideals which constitute the higher civilization of mankind.

The commission emphatically asserts that the United States is not only willing but anxious to establish in the Philippine Islands an enlightened system of government, under which the Philippine people may enjoy the largest measure of home rule and the amplest liberty consonant with the supreme ends of government and compatible with those obligations which the United States has assumed toward the civilized nations of the world.

The United States striving earnestly for the welfare and advancement of the inhabitants of the Philippine Islands, there can be no real conflict between American sovereignty and the rights and liberties of the Philippine people. For just as the United States stands ready to furnish armies, navies, and all the infinite resources of a great and powerful Nation to maintain and support its rightful supremacy over the Philippine Islands, so it is even more solicitous to spread peace and happiness among the Philippine people; to guarantee them a rightful freedom; to protect them in their just privileges and immunities; to accustom them to life self-government in an ever-increasing measure; and to encourage them in those democratic aspirations, sentiments, and ideals which are the promise and potency of a fruitful national development.

It is the expectation of the commission to visit the Philippine people in their respective Provinces, both for the purpose of cultivating a more intimate acquaintance and also with a view to ascertaining from enlightened native opinion what form or forms of government seem best adapted to the Philippine peoples, most apt to conduce to their highest welfare, and most conformable to their customs, traditions, sentiments, and cherished ideals. Both in the establishment and maintenance of government in the Philippine Islands it will be the policy of the United States to consult the views and wishes and to secure the advice, cooperation, and aid of the Philippine people themselves.

In the meantime the attention of the Philippine people is invited to certain regulative principles by which the United States will be governed in its relations with them. The following are deemed of cardinal importance:

1. The supremacy of the United States must and will be enforced throughout every part of the archipelago, and those who resist it can accomplish no other end than their own ruin.
2. The most ample liberty of self-government will be granted to the Philippine people which is reconcilable with the maintenance of a wise, just, stable, effective, and economical administration of public affairs and compatible with the sovereign and international rights and obligations of the United States.
3. The civil rights of the Philippine people will be guaranteed and protected to the fullest extent, religious freedom assured, and all persons shall have an equal standing before the law.
4. Honor, justice, and friendship forbid the use of the Philippine people or islands as an object or means of exploitation. The purpose of the American Government is the welfare and advancement of the Philippine people.
5. There shall be guaranteed to the Philippine people an honest and effective civil service, in which to the fullest extent practicable natives shall be employed.
6. The collection and application of taxes and revenues will be put upon a sound, honest, and economical basis. Public funds, raised justly and collected honestly, will be applied only in defraying the regular and proper expenses incurred by and for the establishment and maintenance of the Philippine Government and for such general improvements as public interests may demand. Local funds, collected for local purposes, shall not be diverted to other ends. With such a prudent and honest fiscal administration it is believed that the needs of government will in a short time become compatible with a considerable reduction in taxation.
7. A pure, speedy, and effective administration of justice will be established whereby the evils of delay, corruption, and exploitation will be effectually eradicated.
8. The construction of roads, railroads, and other means of communication and transportation, as well as other public works of manifest advantage to the Philippine people, will be promoted.
9. Domestic and foreign trade and commerce, agriculture, and other industrial pursuits and general development of the country in the interests of its inhabitants will be the constant objects of solicitude and fostering care.
10. Effective provision will be made for the establishment of elementary schools in which the children of the people shall be educated. Appropriate facilities will also be provided for higher education.
11. Reforms in all departments of the Government, in all branches of the public service, and in all corporations closely touching the common life of the people must be undertaken without delay and effected, conformably to right and justice, in a way that will satisfy the well-founded demands and the highest sentiments and aspirations of the Philippine people.

Such is the spirit in which the United States comes to the people of the Philippine Islands. (The President) has instructed the commission to make it publicly known. (S. Doc., vol. 44, 56th Cong., 1st sess., pp. 3-5.)

Mr. FRANCE. These are the principles which should be applied to the administration of all colonial possessions and to the government of all colonial peoples, and when the proper time arrives we should insist upon their application to the government of the peoples formerly under German rule, particularly those peoples of Africa, who should be our peculiar concern.

OUR PAST RELATIONSHIP TO AFRICA.

For us to take an active interest in the affairs of Africa, in the welfare of the natives there, and in such international

cooperation as would tend to prevent those conflicting rivalries, which have in the past several times brought the world to the brink of war, is not, in any sense, to inaugurate a new policy, since for many years we have been a positive factor in the meeting of these great problems.

Stanley was, of course, an American citizen when, in 1874, he began his explorations in central Africa, carrying the American flag through the unknown tropical wildernesses from the far distant headwaters to the mouth of the Congo. The political results of that trip were most important, since it profoundly influenced the further partitioning of Africa, led directly to the calling of the Berlin and of the later Brussels conferences, to the participation of the United States in these conferences, to the announcement by these conferences of the great principles of humanity which should guide the administration by the advanced nations of African territory, and to the formation of the independent Congo Free State. As indicating our interest in and our attitude toward the Berlin conference, I ask permission to insert an extract from a letter from the Secretary of State, Mr. Frelinghuysen, to Mr. Tisdell, consular agent in the Congo region.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

[A letter from Secretary of State Frelinghuysen to Mr. Tisdell, consular agent in the Congo, dated Sept. 8, 1884.]

An American citizen first traced the Congo to the sea, and were we to admit the validity of a claim of sovereignty over the region based on discovery, the United States might well assert certain rights which they have not set up. The policy of this country has been consistent in avoiding entangling alliances and in refraining from interference in the affairs of other nations. From that policy there is no intention of departing; at the same time the rights, commercial and political, of our citizens must be protected, and in the valley of the upper Congo we claim those rights to be equal to those of any other nation. (Report of the Secretary of State on the Independent State of the Congo, June 30, 1886, Ex. Doc. Sen. No. 196, 49th Cong., 1st sess., p. 347.)

Mr. FRANCE. I also ask permission to insert, in order to conserve my time, although I perhaps should read it all, an extract from a letter of instructions from the Secretary of State, Mr. Frelinghuysen, to Mr. Kasson, United States minister to Germany, who was a delegate plenipotentiary to the Berlin-African conference which was held in 1884.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

[A letter of instructions from Secretary of State Frelinghuysen to Mr. Kasson, United States minister to Germany, as delegate plenipotentiary to the Berlin-African conference, dated Oct. 17, 1884.]

The attitude of the United States in this question (of freedom of navigation of international rivers and of access to the riparian territory) has for many years been clear, and in the particular case of the Congo this Government was among the first to proclaim the policy of unrestricted freedom of trade in that vast and productive region. This Government could, consequently, not be expected to countenance, either by assent during the progress of the discussions or by acceptance of its conclusions, any results falling short of the broad principle it has enunciated.

So far as the government of the Congo Valley is concerned, this Government has shown its preference for a neutral country, such as is promised by the Free States of the Congo, the nucleus of which has already been created through the organized efforts of the international association. Whether the approaching conference can give further shape and scope to the project of creating a great State in the heart of western Africa, whose organization and administration shall afford a guaranty that it is held for all time, as it were, in trust for all peoples, remains to be seen. At any rate, the opportunity which the conference affords for examination and discussion of these questions by all the parties directly or indirectly in interest should be productive of broad and beneficial results. (Ib., p. 14.)

Mr. FRANCE. Acting upon these instructions, Mr. Kasson made a statement to the conference on November 19, 1884, from which statement I quote, asking permission to insert it without reading.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

While declaring the general concurrence of the Government of the United States with the views expressed in the opening address of his highness, the president of this international conference, it may be useful to state briefly the relation of my Government to pending African questions.

Until the year 1874 a large section of the heart of Africa, comprising a great part of its salubrious uplands, was wholly unknown both to the geographers and to the statesmen of Europe and America.

An American citizen, who was qualified by courage, perseverance, and intelligence, and by a remarkable intrepidity and aptitude for exploration, resolved, with the support of English and American friends, to expose, if possible, to the light of civilization this obscure region. With the peaceful flag of his country over his tent, and at the head of his retainers, he disappeared from the knowledge of his countrymen; and after 39 very long and very dangerous months of exploration and travel, he reappeared with the results of his discoveries, which were communicated to the world.

It is to be observed that from the time he left the eastern coast of Africa opposite Zanzibar during his travels to and beyond the upper waters of the Nile, while slowly descending toward the sea, and until he saw an ocean steamer lying in the lower Congo, he found nowhere the presence of civilized authority, no jurisdiction claimed by any representative of white men save his own over his retainers, no dominant flag

or fortress of a civilized power, and no sovereignty exercised or claimed except that of the indigenous tribes.

His discoveries aroused the attention of all nations. It was evident that very soon that country would be exposed to the dangerous rivalries of conflicting nationalities. There was even danger of its being so appropriated as to exclude it from free intercourse with a large part of the civilized world.

It was the earnest desire of the Government of the United States that these discoveries should be utilized for the civilization of the native races and for the abolition of the slave trade, and that early action should be taken to avoid international conflicts likely to arise from national rivalry in the acquisition of special privileges in the vast region so suddenly exposed to commercial enterprises. If that country could be neutralized against aggression, with equal privileges for all, such an arrangement ought, in the opinion of my Government, to secure general satisfaction. (Ib., p. 34.)

Mr. FRANCE. I also ask permission to insert without reading portions of two letters from Mr. Root, while he was Secretary of State, to Mr. Wilson, ambassador to Belgium, bearing upon our interests in and our policy with reference to the African territory, particularly that lying in the Congo region.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

On January 15, 1907, Secretary of State Root, in a dispatch to Mr. Wilson, United States minister to Belgium, said:

"Our attitude toward Congo question reflects deep interest of all classes of American people in the amelioration of conditions. The President's interest in watching the trend toward reform is coupled with earnest desire to see full performance of the obligations of articles 2 and 5 of the slave-trade act, to which we are a party. We will cheerfully accord all moral support toward these ends, especially as to all that affects involuntary servitude of the natives." (Foreign Relations of the United States, 1907, pt. 2, p. 799.)

On December 16, 1907, in a dispatch to Minister Wilson, Secretary of State Root said:

"Our attitude and purpose rest on the broad general purpose to elevate and benefit the native Africans as declared in the Berlin act, to which we are, however, not a party, and emphatically reaffirmed in the Brussels act of 1890, applicable to all dominion and control of civilized nations in central Africa, to which we are a party. Our voice and sympathy are in favor of the full accomplishment of those declared purposes, and, while we are not directly interested in the administrative and financial details of the government of any one of the several districts of central Africa embraced in the compact of 1890, we are free, and, indeed, morally constrained, to express our trust and hope that every successive step taken by the active signatories will inure to the well-being of the native races and execute the transcendent obligations of the Brussels act, in all its humanitarian prescription, especially as to article 2. In these respects the interests of all the signatories are identical." (Ib., p. 829.)

Of course, Mr. President, the discoveries of Stanley gave us sovereign rights over that whole region in Central Africa, which sovereign rights, however, we did not assert, choosing to accept in the place of sovereignty the right to insist that humanitarian principles be applied to the administration of that territory and to the care of the natives there.

In other words, Mr. President, the United States renounced sovereignty over 900,000 square miles in the heart of Africa, asking in return only that there should be fair treatment for the natives of Africa residing in that territory, and it seems to me that the same problem confronts us to-day. If we renounce interest in the more than 1,000,000 square miles of territory which Germany has owned in Africa, we at least ought to reserve the right to go to the league council and say: "Whoever may have these colonies, whoever may take this vast territory to administer, must agree to such conditions as we insisted must be applied in the administration of the Belgian Congo."

I hope in this very brief and somewhat disconnected statement, disconnected because I have omitted a number of important quotations which would have given continuity to my remarks, that I have made it clear that we should not relinquish, by the adoption of this reservation, all right to these colonies and all right even to insist upon fair treatment for the native peoples in these colonies which are being transferred from one guardian, Germany, to another.

Mr. President, the great African problem is one to which I have already alluded on a previous occasion. Perhaps it is the greatest problem in connection with the making of the treaty. The future disposition of the African territory will involve great questions, which will certainly from time to time bring about such conditions as may readily lead to war. This is well understood by the prominent men in all countries, in France, and particularly in England, and as early as 1917 the executive committee of the British labor party, realizing that the defeat of Germany would bring about disagreements, possibly, or conflicts of interest with reference to the African territory, issued a proclamation in favor of an open-door policy for Africa, and in favor of the internationalization of the great African territories which would be disposed of as a result of this war.

I ask permission to insert two statements to this effect—one in 1917 and the other in 1918.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[From The Times, Aug. 11, 1917.]

With regard to the colonies of the several belligerents in tropical Africa, from sea to sea (north of the Zambesi River and south of the Sahara Desert), the conference disclaims all sympathy with the imperialistic idea that these should form the booty of any nation, should be exploited for the profit of the capitalist, or should be used for the promotion of the militarist aims of governments. In view of the fact that it is impracticable here to leave the various peoples concerned to settle their own destinies, the conference suggests that the interest of humanity would be best served by the full and frank abandonment by all belligerents of any dreams of an African empire; the transfer of all the present colonies of the European powers in tropical Africa, together with the nominally independent Republic of Liberia, to the proposed super-national authority or league of nations herein suggested; and their administration by an impartial commission under that authority, with its own trained staff, as a single independent African State, on the principles of (1) the open door and equal freedom of enterprise to the traders of all nations; (2) protection of the natives against exploitation and oppression and the preservation of their tribal interests; (3) all revenue raised to be expended for the welfare and development of the African State itself; and (4) the permanent neutralization of this African State and its abstention from participation in international rivalries or any future war.

[From The Times, Feb. 25, 1918.]

With respect to these colonies, the conference declares in favor of a system of control, established by international agreement under the league of nations and maintained by its guaranty, which, whilst respecting national sovereignty, would be alike inspired by broad conceptions of economic freedom and concerned to safeguard the rights of the natives under the best conditions possible for them, and in particular (1) it would take account in each locality of the wishes of the people, expressed in the form which is possible to them; (2) the interests of the native tribes as regards the ownership of the soil would be maintained; (3) the whole of the revenues would be devoted to the well-being and development of the colonies themselves.

Mr. FRANCE. Mr. President, the time may come when the maintenance of an open door in Africa may be most important, when our right to make our voice heard in African affairs may result in maintaining the peace of the world, and I feel that it would be a grave and perhaps a fatal mistake for us now, without careful deliberation and full discussion, to lose forever our power to exercise that right, and to foreclose the possibility of our participating, even if we shall become a member of the league of nations, in the solution of this most momentous problem.

As I indicated in the beginning, Mr. President, if we defeat this reservation, the whole question of the disposition of the German colonies will be left to the league of nations, and we will be privileged to participate, as a member of the league, in the discussions as to what the final disposition of those colonies shall be. But if we adopt this reservation, we not only waive all of our rights in the great territories involved, we not only disclaim responsibility for the millions of aboriginal peoples for whose welfare, I believe, we are responsible, for we are transferring them from one power to another, but we disclaim all responsibility for the peoples and for the territories which are to be disposed of. I feel it would be a grave mistake for us, under the cloture rule and without full deliberation, to take this action. I trust the reservation will be rejected.

The VICE PRESIDENT. The question is on reservation numbered 14, offered by Mr. Lodge on behalf of the committee.

Mr. HENDERSON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	McLean	Simmons
Ball	Hale	McNary	Smith, Ariz.
Bankhead	Harding	Moses	Smith, Ga.
Beckham	Harris	Myers	Smith, Md.
Borah	Harrison	Nelson	Smith, S. C.
Brandegee	Henderson	New	Smoot
Calder	Hitchcock	Newberry	Spencer
Capper	Johnson, Calif.	Norris	Stanley
Chamberlain	Johnson, S. Dak.	Nugent	Sterling
Colt	Jones, N. Mex.	Overman	Sutherland
Culberson	Jones, Wash.	Owen	Swanson
Cummins	Kellogg	Page	Thomas
Curtis	Kendrick	Penrose	Townsend
Dial	Kenyon	Phelan	Trammell
Dillingham	Keyes	Phipps	Underwood
Edge	King	Pittman	Wadsworth
Elkins	Kirby	Poinsett	Walsh, Mass.
Everett	Knox	Pomeroy	Walsh, Mont.
Fletcher	La Follette	Ransdell	Warren
France	Lenroot	Reed	Watson
Frelinghuysen	Lodge	Robinson	Williams
Gay	McCormick	Sheppard	Wolcott
Gerry	McCumber	Sherman	
Gore	McKellar	Shields	

The VICE PRESIDENT. Ninety-four Senators have answered to their names. There is a quorum present.

Mr. WALSH of Montana. Mr. President, the pending reservation provides that—

The United States declines to accept, as trustee or in her own right, any interest in or any responsibility for the government or disposition of the overseas possessions of Germany.

Those overseas possessions, as pointed out by the Senator from Indiana [Mr. NEW], include the Ladrone and Caroline Islands, in the Pacific Ocean, lying immediately across the pathway to the Philippines and the Orient from this country. I have had an opportunity to read the report made to the Navy Department by one of its principal officers, to which the Senator from Indiana [Mr. NEW] referred, and the importance to this country of the future control of those islands can not easily be overestimated.

The reservation, supported, as I understand, by the Senator from Tennessee [Mr. SHIELDS], provides that we shall have no interest whatever in these overseas possessions, and, of course, absolutely nothing to say about their government or disposition. Reference has been made by the Senator to the alleged secret treaties by which these possessions were disposed of—those north of the Equator given to Japan and those south to Great Britain. As pointed out by the Senator from California [Mr. PHELAN], the covenant provides that all treaties inconsistent with its provisions are abrogated. But even without a provision of that character, Mr. President, the treaty now under consideration is later than the so-called secret treaties, and it provides in article 119:

Germany renounces in favour of the principal allied and associated powers all her rights and titles over her overseas possessions.

In other words, by this treaty the title to these islands passes to the allied and associated powers, and, regardless of any previous attempt to dispose of them by the secret treaties, the title to them would now rest, if the treaty shall be ratified, in the allied and associated powers.

Mr. NEW. Mr. President—

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Indiana?

Mr. WALSH of Montana. I yield to the Senator, but not out of my time.

The VICE PRESIDENT. That is the only way the Senator can yield. There is no way for the Chair to determine except to charge the time to the Senator who has the floor.

Mr. NEW. I would like to ask the Senator from Montana what effect the date of the treaty has upon the action of the council of three which was taken on the 6th of May?

Mr. WALSH of Montana. The treaty provides that the title to these possessions goes into the allied and associated powers. That is what it provides, and everything else is gone, destroyed utterly.

Now, Mr. President, let me put the matter clearly. If this treaty is rejected, those islands are now in the possession of Japan, and she will hold those islands, and we have absolutely nothing whatever to say about how they are going to be governed in the future.

Moreover, if this reservation is adopted, we shall have absolutely nothing to say as to how they are going to be governed.

Mr. NEW. Mr. President—

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Indiana?

Mr. WALSH of Montana. I yield.

Mr. NEW. Who gave Japan possession of them?

Mr. WALSH of Montana. She took possession of them when the war commenced.

Mr. NEW. Was not that possession confirmed by the action of the council of three on May 6?

Mr. WALSH of Montana. It is a matter of no consequence what was done on May 6. The treaty, which now is the written obligation of all the parties, provides that the title to those islands goes into the allied and associated powers, and by article 22 of the covenant they are to be governed by the league of nations through a mandatory to be designated by it. You may take your choice. The proposition is to reject the treaty and leave those islands with Japan, for there is where they are and there is where they will stay, or to adopt this reservation and leave them with Japan, with no voice whatever in our Government as to their future control or disposition or the style of government under which they are to be controlled.

Mr. President, more than that, the league of nations is now in existence and the council of the league of nations will prescribe the kind of government that these islands shall have. It will declare what Japan may do and what she may not do in those islands. If we do not become a member of the league, the council of the league of nations will perhaps adopt a government for those islands dictated by Japan, and in relation to which we have no voice and will have no voice at all.

I want to say a word in relation to the suggestion made by the Senator from California [Mr. PHELAN] that some amendment of article 22 is requisite in order to protect our interests. I do not think so at all. Our interests seem to be completely protected, notwithstanding the provisions of the article to which

he calls attention, by the next to the last clause in the article, which reads as follows:

The degree of authority, control, or administration to be exercised by the mandatory shall, if not previously agreed upon by the members of the league, be explicitly defined in each case by the council.

I, like other Senators, am exceedingly averse to having anything at all to do with the South African colonies, but we must adopt a rule, and the best rule that the conference was able to adopt was to put all these possessions under the control of the league, including the important Pacific islands that vitally affect the interests of our country, to put the whole thing in the control of the league and allow the council to direct the Government which shall be exercised over each of them and by what Government it shall be administered.

Mr. President, the pending reservation ought not to be adopted under any circumstances.

Mr. LODGE. Mr. President, the islands have gone to Japan under the secret treaties made with Italy, France, and England, several years ago, particularly the one made with England. These islands are south of the Equator. They are in the possession of Japan and they will remain there. The three powers insisted on Japan having Shantung. What chance is there in this perfectly vague league clause that France and England and Italy will vote to take them away from Japan? I think it is an amendment sound in principle, and I trust it will be adopted. I hope we can have a vote.

The VICE PRESIDENT. The question is on agreeing to reservation No. 14, as proposed by the Senator from Massachusetts in behalf of the committee.

Mr. LODGE. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when Mr. FALLS name was called). I desire to announce the unavoidable absence of the senior Senator from New Mexico [Mr. FALL]. He is paired with the junior Senator from Wyoming [Mr. KENDRICK]. If the Senator from New Mexico were present, he would vote "yea."

Mr. KENDRICK (when his name was called). I have a pair with the senior Senator from New Mexico [Mr. FALL]. In his absence I withhold my vote.

The roll call having been concluded, the result was announced—yeas 29, nays 64, as follows:

YEAS—29.

Bail	Harding	Moses	Shields
Borah	Johnson, Calif.	New	Sutherland
Brandegee	Keyes	Newberry	Wadsworth
Calder	Knox	Page	Walsh, Mass.
Capper	La Follette	Penrose	Watson
Curtis	Lenroot	Poinexter	
Dillingham	Lodge	Reed	
Gronna	McCormick	Sherman	

NAYS—64.

Ashurst	Gore	McNary	Smith, Ga.
Bankhead	Hale	Myers	Smith, Md.
Beckham	Harris	Nelson	Smith, S. C.
Chamberlain	Harrison	Norris	Smoot
Colt	Henderson	Nugent	Spencer
Cullerson	Hitchcock	Overman	Stanley
Cummins	Johnson, S. Dak.	Owen	Sterling
Dial	Jones, N. Mex.	Phelan	Swanson
Edge	Jones, Wash.	Phelps	Thomas
Elkins	Kellogg	Pittman	Townsend
Fernald	Kenyon	Pomeroy	Trammell
Fletcher	King	Ransdell	Underwood
France	Kirby	Robinson	Walsh, Mont.
Frelinghuysen	McCumber	Sheppard	Warren
Gay	McKellar	Simmons	Williams
Gerry	McLean	Smith, Ariz.	Wolcott

NOT VOTING—2.

Fall	Kendrick
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So reservation No. 14, offered by Mr. LODGE on behalf of the committee, was rejected.

The VICE PRESIDENT. The Secretary will state the next reservation.

The SECRETARY. Reservation No. 15, which will now become No. 14, is as follows:

14. The United States reserves to itself exclusively the right to decide what questions affect its honor or its vital interests and declares that such questions are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the league of nations or any agency thereof or to the decision or recommendation of any other power.

Mr. LODGE. Mr. President, there is what seems to my mind to be some misunderstanding of the provisions of this reservation. It has been of late the fashion to scoff at national honor as a relic of barbarism, but I want to call the attention of the Senate to the fact that that is a very recent attitude.

In the treaty of arbitration with Great Britain, one of a series offered in 1904, appear these words:

Differences which may arise of a local nature, etc., shall be referred to the permanent court of arbitration established at The Hague by the convention of the 29th of July: *Provided, nevertheless, That they do not affect the vital interests, the independence, or the honor of the two contracting States.*

That is the language, and Secretary Hay signed the treaty. It came under the administration of Mr. Roosevelt. A little later a series of arbitration treaties were presented to the Senate and ratified. The Hay treaties were also ratified by the Senate, but were held by the President because we changed the wording in another article compelling the submission of the special agreement in each case to the Senate. The Root treaties, as they were known, all passed, and those treaties contained the same words:

Provided, nevertheless, That they do not affect the vital interests, the independence, or the honor of the two contracting States.

As late as 1908 these words were put into these treaties without opposition from anybody. National honor was still considered to be a subject worthy of reservations in a treaty. In fact, I think it was believed at that time that treaties themselves rested largely upon national honor. Since then, especially in the last year, there has been a great change; they have returned to another view.

I am going to read, if the Senate will permit me, very briefly, from words uttered by one of the greatest characters ever created by human imagination. In the first part of King Henry IV, Falstaff says:

Hal, if thou see me down in the battle and bestride me, so; 'tis a point of friendship.

Prince HENRY. Nothing but a colossus can do thee that friendship. Say thy prayers, and farewell.

FALSTAFF. I would 'twere bed time, Hal, and all well.

Prince HENRY. Why, thou owest God a death.

[He goes out.]

FALSTAFF. 'Tis not due yet; I would be loath to pay him before his day. What need I be so forward with him that calls not on me? Well, 'tis no matter; honor pricks me on. Yea, but how if honor prick me off when I come on? How then? Can honor set to a leg? No. Or an arm? No. Or take away the grief of a wound? No. Honor hath no skill in surgery, then? No. What is honor? A word. What is in that word "honor"? What is that honor? Air. A trim reckoning! Who hath it? He that died o' Wednesday. Doth he feel it? No. Doth he hear it? No. 'Tis insensible, then. Yea, to the dead. But will it not live with the living? No. Why? Detraction will not suffer it. Therefore I'll none of it. Honor is a mere scutcheon. And so ends my catechism.

Mr. President, the humor and the satire of that speech has delighted audiences and readers for three centuries. To Shakespeare's mind it was humorous and satirical. But Falstaff has his revenge; he is coming into his own now. He took a view of honor which now seems to be seriously held.

Mr. President, there is another thing to say about the words "national honor." One of the points of national honor, and the great point, is that the national honor is bound up in the protection of the citizens of a country. That has changed. It seems no longer considered necessary to protect an American citizen. Within a few days we have been told by high authority, if we can rely on the press, that as to an American citizen even though he held a commission of the Government and was in a foreign country, the Government would be delighted to be the channel to convey to the bandits who had seized him a ransom raised by his friends. I presume it is very queer and old-fashioned, but I still think that the country owes protection to its citizens.

I am now going to cite another authority which I have heretofore quoted:

And as they bound him with thongs, Paul said unto the centurion that stood by, Is it lawful for you to scourge a man that is a Roman, and uncondemned?

When the centurion heard that, he went and told the chief captain, saying: Take heed what thou doest: for this man is a Roman.

Then the chief captain came, and said unto him, Tell me, art thou a Roman? He said, Yea.

And the chief captain answered, With a great sum obtained I this freedom. And Paul said, But I was free born.

Then straightway they departed from him which should have examined him; and the chief captain also was afraid, after he knew that he was a Roman, and because he had bound him.

That was the Roman conception of citizenship; it was the conception of citizenship held by the Apostle Paul; and Rome, with all her faults, it may be said, for 300 years preserved more peace in the civilized world as it then was than has ever been since preserved.

As I have said, I suppose I am odd and queer and old-fashioned, but I still adhere to the Roman and the Pauline conception; and that rests on national honor. Mr. President, it seems to me that the words "national honor" ought to have a place in this reservation and that the sanctity of the American citizen ought to be protected.

The words "vital interests," although they are a well-known term, and in the past have been very frequently used by us, seem in the minds of many Senators with whom I have talked

to cover everything. However, they only cover vital interests. No one would suggest that a question of a claim or many questions of similar character which may arise are of vital interest to the United States or to any other country. "Vital interests" are what the words imply—interests which are absolutely vital to the safety and independence of the country or countries making the treaty.

The word "independence" was used in the ancient days—in 1904 and 1908. In those days men also used the word "independence." I suppose that is another selfish and barbaric word to use, according to some of the most modern interpretations.

Mr. President, I believe it is the duty of the United States to keep its vital interests and its national honor clear from the dictation of any other power on the face of the earth.

Mr. COLT. Mr. President, the difficulty with this reservation is that it is impossible to define what are included within the terms "national honor" and "vital interests." It is left for the United States to determine what questions come within those terms.

Mr. President, those terms have never been defined in international law. An effort has been made to define what justiciable disputes are, but without success. Whether a question affects vital interests or national honor will turn on what the Nation itself thinks on the question which arises at any given time.

Mr. President, with all our reservations we still have left the three basic principles of the league of nations. The main purpose of the league of nations is to prevent war, and, notwithstanding the reservations, we still have left obligatory conferences, compulsory arbitration, or compulsory submission to inquiry and report, and reduction of armaments.

Now, I make the statement here boldly that any question arising with respect to any of these three propositions might be considered a question of national honor or vital interest affecting the welfare of the country. The fact is, Mr. President, the incorporation of a reservation of this kind spells death to the league; it takes the heart out of the league; it takes compulsory arbitration out of the league; it takes obligatory conferences, the reduction of armament, and every advance we have sought to make in the interest of peace out of this new alliance of the nations of the world.

Mr. STERLING. Mr. President, the remarks and the illustrations given by the Senator from Massachusetts [Mr. LODGE] remind me of an incident of college days when the president of the college, at chapel, with a keen appreciation of the best things in literature, was telling the students what they should read. He said first to read the Bible and next, after the Bible, to read Shakespeare. The distinguished Senator from Massachusetts has reversed the order. He has first read Shakespeare and then read the Bible. I do not say this to disparage at all the illustration contained in the quotations read by the Senator from Massachusetts; but the thought that is uppermost in my mind now is, whether by these reservations we shall repudiate altogether the principle of arbitration. Arbitration has been declared to be—I think it was so declared by The Hague convention of 1907—the most just and the most equitable way of settling such international disputes as can not be settled or adjusted by diplomacy.

Mr. President, out of what may questions of national honor or questions affecting vital interests arise? Conceivably they may arise out of what we are accustomed to call domestic questions, questions relating to our internal affairs. Let me ask now, is it a controversy growing out of our immigration policy? That is a question affecting vital interests, for it may go to the very life of the Nation; but we are protected so far as that is concerned by reservation No. 5, which has already been adopted. Or is it a question growing out of our American policy in regard to labor? In these times of international movement and agitation in regard to labor, that may also become a matter affecting our vital interests, and yet that has been considered, and we are protected so far as that is concerned by reservation No. 5. Is it the tariff, the suppression of the traffic in women and children, in opium and dangerous drugs? I can easily conceive that under certain circumstances one or all of these matters may become questions of vital interest and some of them, perhaps, give rise to controversies that would affect our national honor, and yet they are all covered by reservation No. 5. Under that reservation we decline to arbitrate any question growing out of these several subjects.

But we do not stop there. I presume commerce itself might be one of the most prolific sources of international dispute and international complication, and yet commerce, under reservation No. 5, is one of the subjects about which we decline to arbitrate. Our overseas commerce might as easily as anything else become the subject of controversies which would affect our

national honor or our vital interests; but suppose it does, it is a question which can not be arbitrated nor submitted to nor considered by the council or the assembly of the league of nations.

It is difficult, I say, to conceive of a case or a situation out of which questions of national honor or vital interest might arise in which we are not already protected by the adoption of the reservations from 1 to 13, inclusive. Under the reservation with regard to withdrawal we shall not be obliged to remain long in a league where our national honor or vital interests are prejudiced or jeopardized. Under the reservation to article 10 we decline to assume obligations which could easily put us in a position where our vital interests might be materially affected, and so we are safe there.

Take reservation No. 11. It is to our vital interest, of course, when we are at war or threatened with invasion, that we have the right to increase our armaments without the consent of the council of the league, and that notwithstanding we had previously adopted the plan of the council for a limitation of armaments. The right to such increase is reserved in the eleventh reservation.

So, Mr. President, in view of the fact that we have protected ourselves quite thoroughly in reservations already adopted, and in view of the further fact that now, if we should adopt the pending reservation, we would seem on the face of it to practically repudiate the whole principle of arbitration, I am opposed to reservation No. 15.

Mr. REED. Mr. President, reservation 15 declares that the United States withholds from decision by the league of nations all questions which, in the judgment of the United States, involve our national honor or vital interests. Bluntly stated, we are about to vote on whether we will submit the honor and the life of the United States to the decision of seven aliens sitting in Geneva, or whether we will reserve the decision of those questions to the people of the United States.

Let those who will vote to turn the life of this country and its fate into the hands of seven aliens; as for me and my house, we vote and we speak for the doctrine that the people of the United States alone should control the life and fate of this country.

There is no use quibbling about this question, or seeking to evade it. We know what these terms mean, and we know that those who are willing to reject this reservation prefer the treaty to the unsullied independence of this country.

It has been well stated by the Senator from Rhode Island [Mr. COLT] that if we adopt this reservation we reserve our vital interests and our national honor to ourselves. The converse of it is, if we reject it we turn them over to the decision of seven aliens, the representatives of five Kings and Emperors and of two Republics.

I am glad this issue is drawn, for now we know the meaning of this document. We are told that this is the heart of the league. Such was the language of the distinguished Senator from Rhode Island. The heart of this league, the heart of this infamy, is the transfer to representatives of foreign powers, to a political tribunal, of the life and honor of our country. So let the issue stand; so let it be drawn; and upon that issue we will finally take the vote of the people of the United States.

Mr. President, it is said that these terms are indefinite, that we do not know what they mean; and yet they have been used in international diplomacy for 50 years, and their meaning is as well determined as is the meaning of the other phraseology of this instrument. Quibbling about the uncertainty of the meaning is but an excuse for those who want this instrument in preference to everything else.

Let us see some of the early days when these terms were used—used in the councils of statesmen when men infinitely greater than those who framed this treaty sat. I shall not go back to their genesis. I know not how far back they may run; but in the first Hague convention of 1899, William McKinley being President and John Hay Secretary of State, this was the reservation; and The Hague convention did not propose to enforce its treaties by fire and sword, by starvation and embargo. It left matters, when decided, to the honor of nations; but this was the language:

Differences of an international nature involving neither honor nor vital interest, and arising from a difference of opinion on points of fact—

Were to be submitted. That was an exception of questions of honor and vital interests. They were not submitted; and yet when the United States signed that they wrote this reservation in:

Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign

State; nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of America of its traditional attitude toward purely American questions.

At the second Hague convention, which was signed on October 18, 1907, Theodore Roosevelt being President and Elihu Root Secretary of State, and our delegates being Joseph H. Choate, Uriah M. Rose, and other distinguished men, among others, David Jayne Hill, this, dealing with the matters which can be submitted to arbitration, was written in:

Recourse can not, however, be had to the court if the other party declares that, in its opinion, the dispute does not belong to the category of questions to be submitted to compulsory arbitration, unless the treaty of arbitration confers upon the arbitration tribunal the power of deciding this preliminary question.

The right to bring anything to compulsory arbitration has to be granted by express treaty.

Then you will find this in the same treaty:

In disputes of an international nature involving neither honor nor vital interest and arising from a difference of opinion on points of fact, the contracting parties deem it expedient and desirable that the parties—

Should arbitrate.

The same phrase appears; the same exception is there.

Again:

Recourse can not, however, be had to the court if the other party declares that, in its opinion, the dispute does not belong to the category of disputes which can not be submitted to compulsory arbitration, unless the treaty of arbitration confers upon the arbitration tribunal the power of deciding this preliminary question.

So, Mr. President, you find the questions are there reserved in those treaties.

Now, Mr. President, I come to a fulmination in this morning's paper from former President Taft.

You will remember that in the early days of these disputes, when the first proposal for a league of nations was submitted, Mr. Taft went about the country abusing everybody who wanted to change it in any respect. He called men by offensive names. He insisted that the Monroe doctrine was "extended to the world." He made other absurd insistences; and, after having taken that position, he was gradually driven to the ground that this treaty did not need amendment. Now, when it comes back again, after having declared time and again that it must be accepted without reservation, he is here asking that it be accepted with all these reservations except what he is pleased to call "the Reed reservation."

This reservation is not "the Reed reservation." It is true that I appeared before the committee and made a mere suggestion, in less than three minutes' talk, of the insertion of a reservation of this kind.

It is the reservation of the committee; but if anybody wants to fix on me the responsibility of trying to preserve the honor of the United States and its vital interests from the decision of the representatives of seven foreign Governments in a political tribunal, I am willing to accept the responsibility.

What does Mr. Taft tell us this morning. He says:

The universal arbitration treaties negotiated with France and Great Britain by Senator Knox in 1911 struck out of previous treaties of arbitration these words: "Provided, nevertheless, That they (i. e., the subjects to be arbitrated) do not affect the vital interests, the independence, or the honor of the two contracting States."

So, he says, that blinds Senator Knox. He seems to have overlooked the fact that if he was taking the matter as it is it would seem to bind Mr. Taft somewhat as it might bind Mr. Knox, for Mr. Taft then happened to occupy the office of President.

But let us see what the facts are, and whether this distinguished gentleman knows what he is talking about at all.

First I want to lead up to that treaty by the treaties that preceded it. I find here in the treaty of 1907 between Great Britain and the United States this language:

Differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two contracting parties and which it may not have been possible to settle by diplomacy shall be referred to the Permanent Court of Arbitration, established at The Hague by the convention of the 29th of July, 1899: *Provided, nevertheless*, That they do not affect the vital interests, the independence, or the honor of the two contracting States, and do not concern interests of third parties.

That was the condition of the treaty that was drawn in 1907 and approved in 1908.

On the 31st day of May, 1913, we extended that treaty for another five-year period. But before that, in 1911, while Mr. Taft was President, we adopted another treaty with Great Britain, and I will ask the Senate to notice this language and see whether it is true that we abandoned the policy of preserving our national honor and our vital interests. I read from article 1:

All differences hereafter arising between the high contracting parties which it has not been possible to adjust by diplomacy relating to international matters in which the high contracting parties are concerned

by virtue of a claim of right made by one against the other, under treaty or otherwise, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted.

So that instead of using the language that all questions should be submitted, then excepting our vital interests, we by this treaty submitted only questions *justiciable in their nature*, and those questions have never concerned the political life or honor of a country. They are always questions of dispute susceptible of decision according to the rules of law and of equity. So that we did not submit, by any general clause, questions of vital interest or of national honor, and hence we did not need to except them.

But a little later on we find again a clause further protecting us:

The provisions of articles 37 to 90, inclusive, of the convention for the specific settlement of international disputes, concluded at the second peace conference at The Hague on the 18th of October, 1907, so far as applicable, unless they are inconsistent with or modified by the provisions of the special agreement to be concluded in each case.

We went back and reaffirmed those provisions, and then added:

Excepting articles 53 and 54 of such convention.

When we come to articles 53 and 54, we find in article 53 this language:

Recourse can not, however, be had to the court if the other party declares that in its opinion the dispute does not belong to the category of disputes which can be submitted to compulsory arbitration unless the treaty of arbitration confers upon the arbitral tribunal the power of deciding preliminary questions.

So, Mr. President, this treaty, made under Mr. Taft's administration by the distinguished Secretary of State, now the Senator from Pennsylvania [Mr. Knox], by its terms never submitted our national honor or our vital interests. Mr. Taft is talking about something that does not exist.

Mr. KNOX. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Pennsylvania?

Mr. REED. I yield to the Senator.

Mr. KNOX. Before the Senator from Missouri leaves the discussion of the treaty of 1911, to which he has just referred, I wish to say that I think the error into which Mr. Taft has fallen is that he has forgotten that in 1911 we changed the formula that had formerly been used. Previous treaties recited what the Governments would not agree to arbitrate, and in the treaty of 1911 for the first time we specifically recited what we would arbitrate. The only questions that, under the treaty of 1911, were to be submitted to arbitration were justiciable questions resting upon a claim of right, based upon a treaty or otherwise, and which in their nature were susceptible of being decided by the accepted principles of law and equity as recognized throughout the world; and as to those questions it is well known, as the Senator from Missouri stated in passing, they are not the causes of war. Those are matters of international contract, matters of boundaries, matters to which the rules of law and equity can be easily applied.

But the other questions—questions which may give rise to controversies that lead to war—were provided for in quite a different manner in the treaty of 1911. There is a joint commission of inquiry created by that treaty, to which any question can be referred, whether it is a justiciable question or not, and that joint commission of inquiry can take, under the terms of the treaty, one year for the determination, in order to see whether the matter could be adjusted diplomatically within that time. It was provided that the joint commission was to be composed of three nationals of each of the contesting States; so that if we had a difficulty with Great Britain, for instance, three of our nationals would sit upon the commission and three of the nationals of Great Britain, and their decision was only to be advisory; and by the express terms of the treaty it is provided that it should not have the force of an arbitral award.

Then in order to complete the recital of that perfectly simple treaty an additional provision was that as question would arise as to the justiciability of questions that would arise between the parties, that question could be determined by the joint commission of inquiry; but it took five out of the six to decide the question either way, and that, of course, implied that two of the nationals of the nation against which it was decided voted that way.

So I think the Senator from Missouri is entirely correct in calling attention to the error into which the ex-President has fallen.

Mr. REED. Mr. President, I thank the Senator.

Now, Mr. President, somebody does not know what honor is. Somebody says he can not define it. Somebody says that nobody can define it. Well, if nobody can define it in an accurate way, are you going to leave it to the definition of seven for-

eigners, seven aliens, or are we going to reserve it for ourselves? Right here let me say that all over this country the preachment went forth from those high in authority that our national honor, our vital interests, the life of the United States never could be jeopardized, because we always had to consent by our vote to be bound.

I call attention at this time, as sharply as I can, to the fact that when we have a dispute to which we are a party, we do not sit on the council or in the assembly, and our opponent does not sit on the council or in the assembly. So that when a question that involves our national honor or our national life comes forward for consideration, there sits there a representative of the King of the Empire of Great Britain, of the King of Greece, of the King of Belgium, of the King of Italy, of the Emperor of Japan, of the King of Spain, and the representatives of France and of Brazil, minus, however, whichever one of those representatives is from the country with which we have the dispute; so that seven aliens are to decide on a question involving the life of the United States. Vote that way if you will, but let me state to Senators here in all frankness, and without a harsh word of criticism, that when the fate of the United States hangs in the great balances, the people of the United States will decide the question regardless of any league of nations. But as we put our country into this entanglement, just in proportion as we bind its strong arms, just as we embarrass it, we endanger it.

It has been said that all our vital interests are guarded. Possibly all that the Senator can think of at this moment are guarded. But they are clearly not guarded. We had a startling example furnished us the other day by the distinguished Senator from California [Mr. JOHNSON] when he brought here the declaration of a great Canadian that Canada now had the right to bring before the league of nations the proposition of giving her a direct outlet to the sea, involving the taking of four or five counties off of the northern part of Maine. Contentions of that kind will be made before the league. Would that involve our national honor or our vital interests? I think so. While that has been safeguarded by a weak, wobbly sort of a reservation, the Canadian border is alone guarded by it, and that reservation probably will go out in the Senate.

But if the question can be raised regarding the four counties of Maine on the north, then any other part of the Canadian line could be brought into dispute for similar reasons, and Canada might claim the right to control the great interests on the Pacific and our northwestern ports. So Mexico might at some time, backed by other countries inimical to us, claim the right to have reconsidered the question of the Mexican boundary and the right to have restored to Mexico her ancient possessions.

These may seem extreme, and yet before the league is organized we find the intent foreshadowed in the declaration of a distinguished Canadian with reference to Maine, and anybody that would try to steal a part of Maine through the league of nations would try to steal any part of the United States. That goes without argument.

Thousands of questions will arise vitally affecting our interests. The question of our rights upon the seas may be vital to our interests. The question of whether our ships may be seized may be vital to our interests. The question of whether our men can be captured in Mexico, our soldiers or our sailors, and our flag insulted or our ships fired on, is a question that may involve our national honor. It is not covered here. We are bound to await the decision of a tribunal of seven foreigners, and we are not free to act.

Mr. President, time forbids the proper discussion of this question. I submit these remarks and I appeal to those who love their country and who believe that the American people can guard their Government better than it will be guarded by the political representatives of those countries that have always stood for kingly forms of government, autocratic forms of government, and that have hated the Republics and that hate this Republic to-day, governments that have shown they have the same fangs of the old wolf that have always been apparent in every age of history, fangs that are keen for conquest and that have sunk themselves deep in the hearts of other nations in the very settlement and creation of this peace tribunal, that tore from the body of China her choicest Province, that put Egypt in chains, that took away the independence of Persia, that throw a cordon of islands between our possessions in the Pacific, that turn them over to Japan as a matter of fact, and that in every line and precept show that the old appetite for conquest and the old lust for power is as great to-day in those countries as it ever was in the past.

Vote as you will, for you will vote as you will, but I put the question to you that you are voting on simply one proposition—

"Will the honor of the United States and will the vital interests of the United States remain for decision by the American people alone, or will you submit them to a body of seven aliens?" Upon that we will take the decision here to-day and if we be wrong upon it we will take it later before the American people.

Mr. McCUMBER. Mr. President, for 40 years prior to 1914 the great German Empire had declared again and again, and infused that declaration into every vein of the German people, that the vital interests of Germany demanded that they subjugate France and seize a portion of her territory, and that the vital interests of the German Empire depended upon her ability to seize great tracts of oil lands and coal lands and mineral lands. If we had had an agreement at that time that they should submit all questions except those of vital interest, the German Empire, with its idea of what constituted vital interests, would have refused to submit to any league or to any tribunal the question whether she should despoil France or Belgium or any other portion of the world for her own selfish interests.

When the battle front in the west finally got to the line where Germany could go no farther and when she started her retreat, forced by the Allies with a sacrifice of thousands upon thousands of soldiers every day, when she could no longer defy the world, what was her course? Her vital interests demanded that she should destroy every little city and every home and every church along her retreating way. She justified it upon the ground that it was to her vital interests. But in the settlement of the war claims the great nations of the world that had fought for the rights of humanity decided that it was not necessary to the vital interests of Germany that she should sacrifice those little cities and those churches and those homes, but that she did it out of a spirit of hatred and revenge and because she was unable to accomplish her hellish design of conquering the world. We are making her pay to-day for what she declared was a matter of her vital interests.

Mr. President, if you will go over the history of the world you will find that 99 per cent of all the great, colossal national wrongs that have been committed against the weak and helpless have been committed in the name of national honor and vital interest; yes, vital to those who want the profits of others' labor; vital to those countries who want the territory of other countries for the purpose of their own selfish aggrandizement and expansion.

And, says the Senator from Missouri [Mr. REED], we are to vote to-day whether we shall submit to seven aliens the right to pass judgment upon the life of this Nation. Not one of us will vote for anything of the kind, and the Senator ought to know it if he has read the treaty. No such question is submitted, and even according to his own definition of national honor and vital interests, nothing in the world of that character is submitted for seven aliens to pass upon the life or the death of the American Nation.

What is submitted? Justiciable questions submitted to arbitration? Yes; if the Nation sees fit to do it. Nonjusticiable matters submitted? No. There is not one syllable, not one line in this whole treaty that submits to arbitration any nonjusticiable question, and it is only where questions are arbitrated that we are in any respect bound to obey a finding. And, Mr. President, we do not submit any question for arbitration by the league or council. When we submit a matter to arbitration the council has nothing to do with it.

Article 13 reads as follows:

The members of the league agree that whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration—

That they will then submit it to arbitration.

Mr. REED. Mr. President—

Mr. McCUMBER. Each nation determines what is suitable for arbitration and what is not suitable, and no nation will submit a nonjusticiable question to arbitration under this treaty any more than it would have submitted it under the Knox treaty or any other treaty that we have ever signed.

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Missouri?

Mr. McCUMBER. I can not, because of the very short time I will have.

Again, Mr. President, the Senator knows that if it is a nonjusticiable question it will not be submitted to arbitration, and if they do not submit it to arbitration they agree that the justice of their position may be submitted to investigation. That question ought to be submitted whether any nation says, "It is of vital interest to me" or whether it says, "My honor may be involved in the dispute." Your honor is not questioned until there is a decision that binds your national honor, and in the mere submission of a matter for inquiry there is nothing to bind.

Again, referring to the address of the Senator from Massachusetts [Mr. LODGE], he neither forgets his Bible nor his Shakespeare, and he had them just as much in mind when the Senator and myself in the Committee on Foreign Relations and on the floor of the Senate voted for every one of the Bryan treaties, as he has them in mind to-day, and the Bryan treaties clearly submitted every one of these questions, not for arbitration but for investigation, just as this league of nations treaty does.

Senators quote old treaties, old treaties that were found to be impotent. But, Mr. President, we wanted something that would be more certain, more definite, more sure to maintain the peace of the world.

And so we wrote into every one of these treaties of 1914 the same identical declaration. It was made in the treaty with Great Britain; it was made in the treaty with France; it was made in the treaty with Italy; but it was not contained in any treaty between us and Germany. Germany alone refused. What is it? This is the provision. Article 1, the very first article in every one of these treaties, reads:

The high contracting parties engage to submit for investigation and report to a commission, to be constituted according to the provisions of the following article, all differences, of whatever nature they may be, which may occur between them which can not be composed by diplomatic methods or are not submitted to a tribunal of arbitration.

Mr. President, the pending treaty is almost exactly in the same words. We agree to submit justiciable questions to arbitration; in other words, we are to be the judge as to the questions we will submit to arbitration. If they are not justiciable, we will not submit them; if they involve our national honor or our vital interests, we will not submit them to seven foreigners or any other seven men to pass judgment upon them; but we do agree that if we can not settle them in any other way and that if we refuse to arbitrate, we will then submit them for investigation and report. That is, indeed, a very vital provision in this treaty. It puts every nation upon its honor to submit to some character of investigation those matters which would likely tend to war. If we say in this treaty that we are to determine what interests are so vital that we can not submit them to any kind of an inquiry, then every other nation will say exactly the same thing; and some of them will regard some very unimportant things, in my judgment, to be of vital concern. So we shall get nowhere with our settlement of differences.

Mr. President, this reservation proposes to undo what we have been struggling for a quarter of a century to accomplish and which we have accomplished in some of our other treaties between ourselves and other countries and which we now seek to extend and to make a world-wide contract between all nations.

Mr. REED. Mr. President, I have listened to a very remarkable argument. The Senator from North Dakota almost raged about the awful enormity of leaving to a nation the right to decide what constituted its vital interests, and, as usual, he dragged forth the German ghost, paraded it, and told us that Germany, because there was no restriction upon her right to decide what were her vital interests, had gone up and down the earth devastating it. Therefore, the conclusion was that we must have a treaty which would compel us and all other States to yield their vital interests to decision. After having made that point perfectly clear he wound up by declaring that we did not submit our vital interests at all under this treaty, that absolutely we did not submit anything except to investigation; so that, if his statements are correct, the reservation leaves the treaty exactly the way he construes it; that is to say, the treaty leaves us so that we do not submit our vital interests to arbitration and the reservation leaves us so that we do not submit our vital interests to arbitration. That is characteristic of the kind of argument we have heard here all the time.

Mr. President, the reservation does do something to this treaty. By article 12 we agree to submit to arbitration or to investigation by the council "any dispute likely to lead to a rupture." By article 13 we agree to arbitrate all questions recognized as suitable for arbitration "which can not be satisfactorily settled by diplomacy." That is, we agree to submit, by article 12 or 13, every kind of dispute in the world. In order to make it sure that everything, or almost everything, is covered by article 13, this language appears:

Disputes as to the interpretation of a treaty, as to any question of international law, or to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among questions which are generally suitable for arbitration.

That embraces about every question the human mind can conceive of. Then:

The members of the league agree that they will carry out in full good faith any award that may be rendered, and that they will not resort to war against a member of the league which complies therewith. In the event of any failure to carry out such an award the council shall propose what steps should be taken to give effect thereto.

What is the use, in the face of the plain language, of any Senator standing here and denying that we agree to submit our vital interests to arbitration? Following that we find article 15, which provides:

If there should arise between members of the league any dispute—

"Any dispute"—

likely to lead to a rupture, which is not submitted to arbitration in accordance with article 13, the members of the league agree that they will submit the matter to the council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the secretary general, who will make all necessary—

And so forth.

If a report by the council is unanimously agreed to by the members thereof other than the representatives of one or more of the parties to the dispute, the members of the league agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

If the council fails to reach a report which is unanimously agreed to, then it is merely advisory. If a dispute between the parties is claimed by one to arise out of a matter which under international law is of domestic jurisdiction, the council so reports.

In any case referred to the assembly all the provisions of article 12 relating to the action and powers of the council shall apply.

Then comes article 16, declaring that any member of the league that resorts to war in disregard of the covenants of articles 12, 13, and 15 "shall ipso facto be deemed to have committed an act of war against all other members of the league, which hereby undertake immediately to subject it to the severance of all trade relations." Then follows a whole plan of economic boycott.

It is an impossibility to read that language and read it through any eyes except those of prejudice and not know that two forms of procedure are laid down. One is for arbitration. It compels us to submit practically every question of which the human mind can conceive to arbitration and to obey the arbitration. The other is that in the event arbitration is not accepted then the question is to be thrown into the council or into the assembly, and when its decision is rendered, if it be unanimous, saying those that are parties to the dispute, then any nation that undertakes to enforce its rights contrary to that decision puts itself at war with the world and puts all the world upon its back.

So I say, sir, that we do submit the vital interests of the United States to a tribunal of seven politicians, representing seven political governments, that in no way, shape, manner, form, or degree bears any resemblance to a court of justice. It will be a court of intrigue; it will be a tribunal of power; it will be a conspiracy to gain control of the world.

The Senator says we do not submit our vital interests to arbitration in this treaty, and yet objects to a plain reservation reserving those vital interests so that we shall never be jeopardized.

Mr. McCUMBER. Mr. President, I did not say anything of the kind. I said we did submit questions affecting vital interests and all other questions to investigation. I said we submitted none to arbitration, unless we ourselves considered that they were justiciable. There is not a word or a syllable that compels us to submit anything to arbitration that we do not wish so to submit.

Now, Mr. President, I wish to read article 13 as the Senator read it, and then I want to read it as it is. This is the way the Senator read it:

The members of the league agree that whenever any dispute shall arise between them and which can not be satisfactorily settled by diplomacy, they will submit the whole subject matter to arbitration.

He based his argument upon that, leaving out entirely the clause—and it could not have been left out by a mere mistake—which they recognize to be suitable for submission to arbitration—

Which makes, Mr. President, an entirely different proposition and places it back exactly where I said it was; that we agree to submit to arbitration just those questions we see fit to submit to arbitration. We are the judge of what is suitable for arbitration, and questions affecting the life of the Nation are not suitable for arbitration, and we will not submit them to seven members or seven thousand members.

Mr. REED. Mr. President, just a word in explanation.

The VICE PRESIDENT. The Senator from Missouri.

Mr. REED. The Senator from North Dakota accused me of misreading the statement of the covenant. I read it exactly as

he read it word for word, and the Record will so show tomorrow morning.

Mr. McCUMBER. I should like to have it read.

Mr. REED. Let it be read out of the Senator's time.

Mr. McCUMBER. I will base my statement upon the Record right now if it may be furnished.

Mr. REED. Very well; get it.

The VICE PRESIDENT. We must find out whose time this comes out of if we are to have the Record read.

Mr. REED. Not out of mine. [Laughter in the galleries.]

The VICE PRESIDENT. Visitors seem to forget that the rule of the Senate is not a joke. The Chair is going to insist that the doorkeepers obey the orders of the Senate and put out those who will not obey the rule of the Senate. There is no occasion for the Chair to be speaking about this matter every 15 minutes.

Mr. EDGE. Mr. President, I feel that I have demonstrated, speaking from a personal standpoint, my conviction that strict reservations should be adopted and made a part of the resolution of ratification; but, frankly, I do not feel that the proposed reservation now pending is necessary. We have spent four or five months in going over the covenant, it might be said, with a fine-tooth comb, endeavoring to ascertain every section or article in the covenant whereby the interests of our country might be seriously involved to its disadvantage. Reservation after reservation has been offered to try to meet those apparent possibilities, and a number of those reservations have been adopted by a majority vote of the Senate.

It does appear to me that there is a question of honor involved as to our position before our allies, a question of honor to those of us, at least, who feel that there is good in the league of nations, and that good can be accomplished by a league of nations. There is a question of honor involved when we seek by this reservation practically to disassociate ourselves with all efforts on the part of the combined nations to maintain world peace.

I feel that we have, or should have, covered those parts of the covenant where a specific reservation is wise and necessary to protect the independence and sovereignty of the country we represent. I have felt, and frequently stated, that in my judgment it was not the responsibility of the Senate to attempt to rewrite a treaty, but rather to see that the interests of our Nation were positively and emphatically protected. Therefore it appeals to me that in adopting this reservation, in addition to my judgment to making ratification of the treaty impossible, we practically admit that we have spent four or five months endeavoring to locate every possible contingency and offering a reservation to cover it, and then, for fear possibly we have missed something, we now offer a blanket reservation over the entire proposition. I do not consider it businesslike, I do not consider it justified, and I do not consider it a sincere effort to dispose of this important question.

Personally—I speak frankly—I am opposed to this reservation as covering all those possibilities or eventualities that might occur. I am not afraid of the honor or vital interests of our own country not being amply protected and taken care of; and I think that we should, as far as possible—and in the various reservations we have adopted it has been possible—specifically define just those points of the treaty to which we take exception and that we should not then attempt to pass a general reservation to act somewhat as a club over the future operations of the treaty.

Mr. WALSH of Montana. Mr. President, one of the ablest lawyers who have occupied a seat in this Chamber during the present generation was Senator George Sutherland, of the State of Utah. During the present year he delivered a series of lectures to the students of Columbia University, New York, in the course of which he had something to say about this subject of national honor and vital interests. I dare say that after the heated discussions of the subject we have had here, his calm reflections in his attempt to "teach the young idea how to shoot" will be helpful.

I read from page 135 of the published lectures as follows, speaking of a treaty he was considering:

The fear that was expressed by some to the effect that under the terms of the treaty we might be obliged to arbitrate matters affecting the national honor was equally ill founded. National honor, and personal honor as well, are very real and precious things to be preserved at even great hazard, whenever actually assailed; but "honor" is a flexible and much-abused term, the meaning and application of which, all too frequently, depends upon an artificial point of view, and is narrowed or broadened by temperamental and racial differences, or by the sentimental influences of the moment. It is a melancholy fact that a good deal that is utterly spurious passes current under the name of "honor." History is replete with instances where in the first heat of resentment one nation has regarded its honor as having been assailed by another, only to conclude after a period of reflection that an oversensitive view of the matter had been taken. The question of "honor" is so often and so greatly

influenced by the personal equation that if made a formal basis of action or a formal limitation upon action, it is sure, sooner or later, to result in a situation where the distinction between genuine sentiment and fictitious sentimentality will disappear. We know that when the duello was the recognized remedy for wounded self-esteem mere matters of punctilio were frequently exaggerated into affairs of honor. There may some day, of course, arise that rare and exceptional case when the affront to the national honor will be so unquestionable and so grave that the indignation of the people, even after reflection, would sweep aside every restraint that stands in the way of the swift punishment of the aggressor; but it is difficult to conceive any such case as falling within the description of "differences . . . susceptible of decision by the application of the principles of law or equity;" and I do not imagine that any American member of a joint high commission would ever so decide. On the other hand, whenever the case for one side or the other is without merit, the presence in a treaty of an exception so equivocal will afford an altogether too convenient pretext upon which to base a refusal to submit a perfectly legitimate controversy to arbitration. These two treaties have never been ratified, and it is unfortunate that such dubious phrases as "vital interests" and "honor of the contracting States" remain as exceptions in existing treaties. As said by former Secretary, now Senator, KNOX: "These are terms of wide and varied general meaning, which are not judicially definable and mean whatever the particular nation involved declares them to mean."

Mr. SHIELDS. Mr. President, I did not hear all of the remarks of the Senator from North Dakota [Mr. McCUMBER]; but, as I understood him, his position was that the fifteenth reservation was unnecessary, because article 13 provided for the subject matter, the first clause of that article being:

The members of the league agree that whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration and which can not be satisfactorily settled by diplomacy, they will submit the whole subject matter to arbitration.

The argument being predicated, as I understood the Senator, upon the clause—

Which they—

The parties—

recognize to be suitable for submission to arbitration.

That is a very plausible argument upon that section; but, Mr. President, there is another section upon this subject in another article—article 12—which is separate and independent in its provisions as to submission to arbitration and as to the consequences. The articles are not one and the same thing, and each stands as a substantive article and a substantive provision for arbitration.

Article 12 provides as follows:

The members of the league agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the council.

In any case under this article the award of the arbitrators shall be made within a reasonable time, and the report of the council shall be made within six months after the submission of the dispute.

Now, there is no reservation in article 12 that it shall only apply to such disputes as the parties themselves deem proper for submission; but it is broad, as broad as the English language can possibly make it:

Any dispute likely to lead to a rupture.

More than that—

Mr. ROBINSON. Mr. President, will the Senator yield for a question?

Mr. SHIELDS. Let me finish my sentence. Worse than that, it leaves the determination of the matter to the league of nations and the council to decide. There is no other provision for a decision of it, and necessarily, under familiar principles, the council has to construe it and say what the character of the rupture is and whether it is one that comes within this article.

I now yield to the Senator from Arkansas.

Mr. ROBINSON. The Senator, of course, observes that the agreement in article 12 is to submit either to arbitration or to inquiry. There is no obligation to submit to arbitration. The submission may be to inquiry or to investigation.

Mr. SHIELDS. I do not think that construction good. The council itself will place its construction on the matter, whether it is a proper one for arbitration or for inquiry; but both things are equally objectionable. Does the United States—

Mr. ROBINSON. Will the Senator yield for another question?

Mr. SHIELDS. Let me finish my sentence. Does the United States want to submit a question of its honor to a council composed of eight foreigners? I say it is an ignominious proposition that we should submit our honor, or a matter of vital interest of our Nation, to a foreign council to be inquired of. We will neither take their advice nor submit to their arbitration as long as we are a free, sovereign, and independent Nation.

I now yield to the Senator from Arkansas.

Mr. ROBINSON. In view of the provision in article 12 that the parties will submit either to arbitration or to investigation, and in view of the provision in article 13 that binds them to submit only disputes which they recognize to be suitable for submis-

sion to arbitration, does the Senator think, construing both of those provisions, that there is any obligation upon the part of the United States to submit to arbitration a dispute which it does not regard as suitable for arbitration?

Mr. SHIELDS. I have so asserted, in language as strong as I am able to command, that they are separate and independent articles. Why would these great men that met there write two articles to mean the same thing? If so, if they would do such a thing as that that sufficiently discredits the entire league of nations and treaty to justify the Senate in repudiating it altogether, as ought to be done.

Mr. ROBINSON. Will the Senator yield for a further statement?

Mr. SHIELDS. I will.

Mr. ROBINSON. The agreement in article 12 is not to submit to arbitration, but it is to submit either to arbitration or to investigation by the council.

Mr. SHIELDS. Yes.

Mr. ROBINSON. Now, in view of the provision in article 13 by which the parties to the treaty bind themselves to submit to arbitration only those questions which they recognize as suitable for arbitration, I maintain that the Senator's position is incorrect.

Mr. SHIELDS. The Senator is speaking in his own time.

Mr. ROBINSON. I am perfectly willing to have it charged to my time.

The VICE PRESIDENT. The Chair has only one way of computing time. The Senator from Tennessee is on the floor.

Mr. SHIELDS. I answered that argument a while ago, and I do not care to repeat it in my time; but there is no question but that there is an unlimited agreement there to submit to inquiry or to arbitration any question likely to lead to a rupture; and one is as bad, as degrading to a free people, as the other.

Mr. President, only one word more. Where there is any doubt upon a matter, a shadow of a doubt, even less trace than a trout leaves of his trail in a stream, whether we are submitting a question of honor or vital interest to a league composed of representatives of foreign nations, it should be removed. I can not see how any Senator can for a moment cast his vote otherwise than to make this question certain and clear.

I shall certainly vote for the reservation.

Mr. POINDEXTER. Mr. President, the reservation that is reported by the committee is in such unequivocal and simple language that there can not very well be a misunderstanding as to the issue which it makes. It reads:

The United States reserves to itself exclusively the right to decide what questions affect its honor or its vital interests and declares that such questions are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the league of nations or any agency thereof or to the decision or recommendation of any other power.

A number of Senators are opposed to that reservation, apparently, certainly those who have just spoken in opposition to it. I assume that the only possible ground upon which they can be opposed to the reservation is that they are opposed to the principle which the reservation states. Those who oppose the reservation must do it on the ground that they are in favor of submitting to the council and to the assembly of the league of nations the decision of questions affecting the honor and vital interests of the United States. It seems to me that there can be no escape whatever from that issue and from the position of those who favor the reservation and those who oppose it. It has been asserted by several Senators that there is nothing in the covenant of the league of nations which requires the submission for the decision of the league of questions involving the honor and the vital interests of the United States. That has been asserted over and over again. The Senator from North Dakota [Mr. McCUMBER] repeatedly has said that while the covenant of the league of nations required the submission for a report of all questions, even those that involve the honor and the vital interests of the United States, that the covenant of the league of nations did not provide for the binding decision of those questions by the league of nations.

Mr. President, the language of the covenant is that any dispute likely to lead to a rupture which is not submitted to arbitration may be submitted to the council, with the right of either party to the dispute to take it into the assembly of the league of nations, and the article provides that the assembly shall investigate and report; and it further provides that neither party to the dispute, both of them being members of the league of nations, shall go to war against the other party to the dispute which complies with the recommendations of the report. The language of the article is this:

The members of the league agree * * * that they will not resort to war against a member of the league which complies with the recommendations of the report.

So that there is clearly, beyond the possibility of any substantial doubt, provision in the covenant of the league of nations by which the honor of the United States and the vital interests of the United States shall be submitted to the assembly of the league of nations, there to be decided by an alien body in which the United States shall not even, being a party to the dispute, have a vote, and the United States is bound, if it keeps its agreements under this covenant, not to lift its hand to assert its honor or to protect its vital interests, when that decision is against the contention of the United States, if the opposite party complies with the report made by the assembly of the league.

So that in voting upon this reservation we can not escape the proposition that we are here voting whether or not the honor and the vital interests of the United States shall be kept within the decision and under the protection of the people and the Government of the United States, or whether we bind ourselves to submit them to the final and unappealable decision of the foreign tribunals set up in this covenant.

The VICE PRESIDENT. The question is on agreeing to reservation No. 15, offered by Mr. LODGE on behalf of the committee.

Mr. SMOOT. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when Mr. FALL's name was called). I desire to announce the unavoidable absence of the Senator from New Mexico [Mr. FALL]. He is paired with the junior Senator from Wyoming [Mr. KENDRICK], and if present he would vote "yea."

Mr. KENDRICK (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. FALL], which I transfer to the senior Senator from Texas [Mr. CULBERSON], and vote "nay."

The roll call having been concluded, the result was announced—yeas 36, nays 56, as follows:

YEAS—36.			
Ball	France	Lodge	Phipps
Borah	Frelinghuysen	McCormick	Polindexter
Brandegee	Gore	McLean	Reed
Calder	Gronna	Moses	Sherman
Capper	Harding	New	Shields
Curtis	Johnson, Calif.	Newberry	Spencer
Dillingham	Jones, Wash.	Norris	Sutherland
Elkins	Knox	Page	Wadsworth
Fernald	La Follette	Penrose	Watson
NAYS—56.			
Asbust	Henderson	Myers	Smith, Md.
Bankhead	Hitchcock	Nelson	Smith, S. C.
Beckham	Johnson, S. Dak.	Nugent	Smoot
Chamberlain	Jones, N. Mex.	Overman	Sterling
Colt	Kellogg	Owen	Swanson
Cummins	Kendrick	Phelan	Thomas
Dial	Kenyon	Pittman	Townsend
Dodge	Keyes	Pomeroy	Trammell
Fletcher	Kling	Ransdell	Underwood
Gay	Kirby	Robinson	Walsh, Mass.
Gerry	Lenroot	Sheppard	Walsh, Mont.
Hale	McCumber	Simmons	Warren
Harris	McKellar	Smith, Ariz.	Williams
Harrison	McNary	Smith, Ga.	Wolcott

NOT VOTING—3.
Culberson Fall Stanley

So reservation No. 15, offered by Mr. LODGE on behalf of the committee, was rejected.

Mr. LODGE. Mr. President, that concludes the reservations presented by the committee.

Mr. REED. I desire to give notice that I shall ask for a separate vote on this reservation in the Senate.

Mr. NELSON. I ask unanimous consent to introduce a bill, and for its reference to the Committee on the Judiciary.

The VICE PRESIDENT. Is there objection?

Mr. LA FOLLETTE. I object.

The VICE PRESIDENT. There is objection.

Mr. McCUMBER. Mr. President, I offer the following additional reservation, which has been heretofore read and printed.

Mr. LODGE. Mr. President, before that is read I should like to give notice that I desire to reserve in the Senate the amendment offered by the Senator from Maine [Mr. HALE], which was adopted on Saturday.

The VICE PRESIDENT. The Secretary will read the reservation offered by the Senator from North Dakota [Mr. McCUMBER].

The SECRETARY. Add as a new reservation the following:

14. The United States withholds its assent to Part XIII (articles 387 to 427, inclusive) of said treaty unless Congress, by act or joint resolution, shall hereafter make provision for representation in the organization established by said Part XIII, and in such event the participation of the United States will be governed and conditioned by the provisions of such act or joint resolution.

Mr. McCUMBER. Mr. President, this is so important that I feel that a word ought to be said in reference to it. This reservation deals with the labor provisions, Part XIII, and is

intended to cover the whole proposition embraced in that division of the treaty.

To my mind this is the only feature of the treaty that is obnoxious and abhorrent, and if it does not go out it ought, at least, to be covered by a proper reservation. I can not and do not believe that the President of the United States ever considered this matter carefully, or he could not have consented to it for the United States in the form in which it was written.

I appreciate the fact that the labors imposed upon the President of the United States were so stupendous that no man could go into the details of all of them, and if other nations or any member of those nations had carefully read the labor provisions, I could only excuse their supporting it as I would excuse a drowning man grasping for a straw. They were wounded and bleeding and bankrupt, and they, I fear, would have adopted anything that would have given them a short breathing time.

I have been willing to swallow this whole treaty with all of the obnoxious ingredients contained in Part XIII if I could secure the good results that were intended in the balance of the treaty. My willingness to do so was further supported by a conviction on my part that I did not consider Part XIII to be workable and that it contained the seed of its own destruction. I was willing to allow it to die a natural death.

But I want to read two or three of these subdivisions of Part XIII. One of them reads as follows:

ART. 409. In the event of any representation being made to the international labor office by an industrial association of employers or of workers that any of the members has failed to secure in any respect the effective observance within its jurisdiction of any convention to which it is a party, the governing body may communicate this representation to the government against which it is made and may invite that government to make such statement on the subject as it may think fit.

Who is it that may make charges against any sovereign nation and bring that nation to the bar of that body and compel it to answer before that body for a malfeasance? First, the employers' organization may make complaint. A bankers' association, an association of coal producers, any kind of an association that employs labor, may present its case and make a complaint and bring a nation in its sovereign capacity to its knees to plead for mercy before such august tribunal.

That is not all, Mr. President. Any labor organization can do the same thing. The Industrial Workers of the World, the I. W. W. organization that we are now trying to destroy and attempting to drive out of the country, can lodge a complaint with this body and compel the United States to answer to its charges; and if the United States sends its representative, then this organization may, by a two-thirds vote, refuse to accept the representative sent by the United States. In other words, not only must a great nation come before this organization, bound to kneel and plead before it, but the attorney that nation employs to defend itself may be rejected by the organization. Was ever a sovereign nation reduced to such degradation?

The laborers of the United States do not want this, because they fully recognize the fact that it is impossible to so regulate labor conditions throughout the world and to equalize standards of living and standards of labor. If any nation which did not have the advantages which the United States has in raw materials and in resources attempted to do it, that nation would immediately fall behind all its commercial competitors.

It is impossible to put the Chinese laborers upon a level with the American laborers. It is impossible to put the British laborer on an equality of standard of living with the American laborer. If the labor organizations of Great Britain attempt to do it, they can accomplish it one of two ways only—either pull down the American laborer to their level or, if they attempt to hold themselves up to the American level, they will destroy their own industries, because they could not with equal labor wages compete with the United States. We all understand this, knowing that the scheme is absolutely unworkable.

I want to read another article—article 410:

If no statement is received within a reasonable time from the government in question, or if the statement when received is not deemed to be satisfactory by the governing body, the latter shall have the right to publish the representation and the statement, if any, made in reply to it.

That is bad enough, but let us take article 411, which reads in part as follows:

Any of the members shall have the right to file a complaint with the international labor office if it is not satisfied that any other member is securing the effective observance of any convention which both have ratified in accordance with the foregoing articles.

The governing body may, if it thinks fit, before referring such a complaint to a commission of inquiry, as hereinafter provided for, communicate with the government in question in the manner described in article 409.

It is not even compelled to give the nation a hearing. Again:

When any matter arising out of articles 410 or 411 is being considered by the governing body the government in question shall, if not already represented thereon, be entitled to send a representative to take part in the proceedings of the governing body while the matter is under consideration.

It is given that right to send a representative. What a condescension to be given to a sovereign nation to be represented at the bar of justice of this international conglomerate combination of labor unions of the world.

I do not want to put the United States in a position where we will say that we will have nothing to do with this, but we ought not to have anything to do with it unless it is carefully guarded by legislation of this country. Therefore I provide in this proposed reservation that we decline to enter into the agreement to send these representatives until Congress has passed the necessary legislation which will limit and govern the authority of our delegates and state to what extent the United States shall be bound thereby.

Mr. SMITH of Georgia. Mr. President, I only wish to supplement what the Senator from North Dakota [Mr. McCUMBER] has said by calling attention to the fact that there are provisions in Part XIII for the enforcement of their decision. Under Part XIII a boycott could be inaugurated through this labor organization against any nation which meets with its displeasure and, being a labor organization, I suppose it would be reasonably easy to call a strike along all the shores and stop all the commerce of any nation which met with its disapproval.

I shall with pleasure support the reservation offered by the Senator from North Dakota.

Mr. McCORMICK. Mr. President, has the reservation offered by the Senator from North Dakota been read under the rule?

Mr. McCUMBER. Yes; it was read and printed. I presented it the other day and I asked especially that it be read so that there would be no question but that it would comply with the rule.

The VICE PRESIDENT. That is the recollection of the Chair, but the Chair is not infallible.

Mr. KING. Mr. President, I move as a substitute for the reservation offered by the Senator from North Dakota the adoption of the following reservation, which was submitted and read a few days ago.

The VICE PRESIDENT. The Secretary will read the proposed substitute.

The SECRETARY. In lieu of the words proposed to be inserted by the Senator from North Dakota, the Senator from Utah moves to substitute the following:

The United States withholds its assent to Part XIII, comprising articles 387 to 427, inclusive, of the said treaty of peace, and excepts and reserves the same from the act of ratification, and the United States declines to participate in any way in the said general conference, or to participate in the election of the governing body of the international labor office constituted by said articles, and declines in any way to contribute or be bound to contribute to the expenditures of said general conference or international labor office.

The VICE PRESIDENT. The question is on the substitute proposed by the Senator from Utah for the reservation offered by the Senator from North Dakota.

Mr. LODGE. Mr. President, I should like very much to have an opportunity to compare these two reservations. I told the Senator from North Dakota that I should certainly vote for his reservation unless I could find a better and a stronger one; and I should like an opportunity to compare the reservations before I vote. I can not find that the reservation of the Senator from North Dakota has been printed.

Mr. SMOOT. Yes; it is in print.

Mr. LODGE. Not in any form that I have seen. I can not find the print at the desk.

Mr. McCUMBER. I will hand it to the Senator at once if he wishes it.

Mr. LODGE. I now find that it is printed in a series; that was the reason I missed it.

Mr. McCUMBER. It is No. 7.

The VICE PRESIDENT. It is the recollection of the Chair in reference to the amendment of the Senator from North Dakota that the Senator inquired last Saturday whether it was necessary to again read it, it having been read once, and the Chair has a distinct recollection that he ruled that a reading of the reservation once was sufficient.

Mr. McCUMBER. But I asked, to make it certain, that the reservation be read, and it was read.

The VICE PRESIDENT. If it is not in the Record, there is something wrong with the Record.

Mr. McCUMBER. It was read by the Secretary, for I stated at the time that I wanted to take no chances on it.

Mr. LODGE. I am sure it was read two days before the cloture rule was adopted.

Mr. KING. I should like to ask the Senator from Massachusetts whether there is not some other reservation that we could take up, because my substitute, I think, is very important, and is broader than the reservation of the Senator from North Dakota. I am sure that upon examination the substitute which I have offered will commend itself to the judgment of the majority of the Senate in preference to that which was offered by the Senator from North Dakota. I ask unanimous consent that the reservation may go over until to-morrow.

The VICE PRESIDENT. Is there objection?

Mr. LENROOT. I suggest that the Senator from Utah ask that the reservation be temporarily passed over.

Mr. KING. I ask unanimous consent that the reservation may be temporarily passed over.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah? The Chair hears none.

Mr. OWEN. Mr. President, I now understand that the proposed reservation of the Senator from North Dakota [Mr. McCUMBER] and that of the Senator from Utah [Mr. KING] are temporarily laid aside for purposes of comparison.

Mr. LODGE. They have gone over temporarily.

Mr. REED. I did not understand that unanimous consent had been given.

The VICE PRESIDENT. The Chair asked whether there was objection. That is all the Chair can do.

Mr. OWEN. Mr. President, I wish to call the attention of the Senate to a reservation which I think is of great importance and which I will read:

The protectorate in Great Britain over Egypt is understood to be merely a means through which the nominal suzerainty of Turkey over Egypt shall be transferred to the Egyptian people, and shall not be construed as a recognition by the United States in Great Britain of any sovereign rights over the Egyptian people or as depriving the people of Egypt of any of their rights of self-government.

The Egyptian people won their own independence from Turkey with the sword; they enjoyed it for decades; and then, when the Suez Canal was built and the Khedive of Egypt became heavily indebted, Great Britain, for the protection of the commercial interests, she holding the stock and bonds of Egypt, bombarded Alexandria, on the ground that the Egyptians were rioting, and put troops into Egypt, took charge substantially of the government, and at the same time made the most earnest assurances to the Egyptian people that they were merely taking the action indicated for the purpose of restoring order. I should very much like Senators to listen to this. I am not going to take any more time than I am compelled to take.

The VICE PRESIDENT rapped with his gavel.

Mr. OWEN. As I was saying, a British fleet bombarded Alexandria, and with the consent of other European powers British soldiers began to occupy Egypt under an agreement—

Not to seek any territorial advantage, nor any concession of an exclusive privilege, nor any commercial advantage for their subjects other than those which any other nation can equally obtain. (Protocol of June 25, 1882.)

Mr. President, I ask for order.

The VICE PRESIDENT. There seems to be no possibility of having any order in the Senate this afternoon, and yet the Senate insists that the Chair shall preserve order in the galleries.

Mr. OWEN. Mr. President, this is a matter affecting the honor and dignity of liberty throughout the world; it affects the honor of this country. Under article 147 we are practically agreeing to a protectorate in Great Britain over the Egyptian people against their protest. If the Senate wants to do that, it ought to do it with its eyes open.

The Egyptian Government and the people were assured by the admiral of the fleet that in bombarding Alexandria "the sole object is to protect your Highness and the Egyptian people against the rebels." (Official Journal, July 28, 1882.)

The following year the British Government, speaking through its premier, Mr. Gladstone, promised to withdraw from Egypt "as early as possible." (House of Commons, Aug. 9, 1883.)

This status in Egypt continued, and British statesmen from time to time in almost innumerable cases, which I have presented to the Senate and which are in the Record, declared their purpose there was merely to preserve order and intending to retire as early as possible. This continued down until the war of 1914. Then the Khedive was suspected of cooperating with Germany. Great Britain by an order deposed him, enthroned another Khedive, and sustained him with British forces, but gave assurances to the Egyptian people at the same time, as evidenced by a letter by the British Government, in the name of the King, to the new Sultan:

I feel convinced that you will be able, with the cooperation of your ministers and the protectorate of Great Britain, to overcome all influences which are seeking to destroy the independence of Egypt.

I have set that forth at great length before the Senate.

Mr. President, the Egyptians, under the promises which were made, furnished about 1,200,000 troops to help whip Germany. They believed that they were fighting for their own independence and their own liberty. The record is perfectly clear; there is no question about it. It was understood that the British protectorate was merely temporary and was not to interfere with the independence of the people of Egypt. Now, when the war is over, and the people of Egypt demand their independence, they are met with machine guns when they riot. Their representatives were arrested without notice and sent to the island of Malta and kept there in imprisonment for a month, although they were men of great distinction, who certainly represented the Egyptian people. A statement of these matters I put in the CONGRESSIONAL RECORD on Saturday, showing just what the rights of the Egyptian people were.

Mr. MCCORMICK. Mr. President, will the Senator yield for a question?

Mr. OWEN. I yield.

Mr. MCCORMICK. Assuming that there is justification for this reservation, why would it not apply to the protectorate of Morocco?

Mr. OWEN. I am dealing with one thing at a time, if the Senator pleases; I can not go into more than one at a time, and if I can get this demand recognized I shall be content for the present.

An interview took place on October 13, 1919, between M. Mohamed Said Pasha, the present prime minister of Egypt, and a committee representing all classes of Egyptian people with regard to the Milner Commission. From that interview I desire to quote:

Question. The problem which is occupying the minds of the entire Egyptian people is with regard to the Milner Commission. The people of Egypt are desirous to know your opinion on this subject and when will this commission arrive in Egypt?

The prime minister replied—

Mr. President, I should like to have order, so that I may explain this matter plainly to the Senate.

The VICE PRESIDENT rapped with his gavel.

Mr. OWEN. I will not read it now, but will simply ask consent to put it in the Record and be content with that.

The VICE PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

Question. The problem which is occupying the minds of the entire Egyptian people is with regard to the Milner Commission. The people of Egypt are desirous to know your opinion on this subject and when will this commission arrive in Egypt?

PRIME MINISTER. I do not know when this commission will arrive, but as regards my opinion and that of my colleagues I can only say that we have written to England asking that the departure of the committee for Egypt be delayed. We made it clear that the arrival of the Milner Commission in Egypt now would be harmful, and that as the treaty of peace with Turkey has not been established the commission should therefore not come until after the ratification of that treaty and after all other problems in Europe shall have been solved.

Question. What will be your position and that of your colleagues if the commission does come in spite of your advice?

PRIME MINISTER. Our position will then be very clear if the commission came in spite of our advice and opinion. It will mean that we shall not be able to govern the country.

Question. What was the meaning of the meeting of all the governors of the Provinces convened by your excellency last week?

PRIME MINISTER. I told them that my ministry was only an administrative one, and that it should not interfere in the political status of the country. I told the governors, in the presence of the British adviser to the ministry of the interior, that if any Englishman, however high his position may be, demands their interference in favor of the Milner Commission they should let me know at once. The ministry wants every one to be free in the expression of his opinion.

NOTE.—It is to be noted that on accepting the premiership of Egypt about the end of May last, Mohamed Said Pasha made a statement in the Egyptian press to the effect that his ministry was a purely administrative one, and that with regard to the political status of Egypt the question had been invested in the Egyptian delegation by the people of Egypt.

Mr. OWEN. Mr. President, the question which is before us here is whether or not the United States intends to recognize the protectorate of Great Britain permanently over Egypt in spite of the protest of the Egyptian people and in spite of the pledges which were made to the United States by the Entente Allies, which appear in Secretary Lansing's letter of November 5, 1918, as a condition upon which Germany and Austria surrendered on the battle field. If you want to do it, the opportunity is before you. I offer the reservation for such action as the Senate may see fit to take; and I ask for the yeas and nays upon it.

Mr. NORRIS. Mr. President, has the reservation been read?

The VICE PRESIDENT. Not from the desk, but it has been read by the Senator from Oklahoma [Mr. OWEN].

Mr. NORRIS. Let it be read, and I will make my remarks afterwards.

The VICE PRESIDENT. The Secretary will read the reservation proposed by the Senator from Oklahoma.

The Secretary read as follows:

14. The protectorate in Great Britain over Egypt is understood to be merely a means through which the nominal suzerainty of Turkey over Egypt shall be transferred to the Egyptian people, and shall not be construed as a recognition by the United States of any sovereign rights over the Egyptian people in Great Britain or as depriving the people of Egypt of any of their rights of self-government and independence.

Mr. NORRIS. Mr. President, outside of the league-of-nations portion of this treaty there are so many sins and corrupt transactions covered up that one can scarcely scratch anywhere and get under the surface of the long treaty without finding some corruption or something wrong, something sinful, something dishonorable. It is not surprising that the people of the country, and even the Senators, although the debate has been long, are unacquainted with a great many evils in the treaty, for they have not all been disclosed and fully exposed. The country and the Senate have given most of their attention to the league-of-nations part of the treaty.

The Senator from Oklahoma [Mr. OWEN] has briefly outlined one of the sinful things contained in this treaty about which very little has been said and concerning which the people of the country have had very little information. Shantung has been exposed, and everybody realizes that it constitutes an outrage and an infamy, but most people do not know that in reality Egypt constitutes another Shantung; that the same thing that Japan did when she took Korea has practically been done by Great Britain in Egypt; and that it was carefully put into this treaty, in just a few lines, wherein it is stated that Germany recognizes the protectorate established by Great Britain over Egypt. That is all the treaty says about Egypt, but if we are compelling our enemy to recognize the authority of Great Britain over Egypt does it not follow that we and all the other signatories to this treaty also do the same thing?

Mr. President, the story of Egypt and the story of Shantung are almost similar, with the exception probably that Japan, in overrunning China and overrunning Korea, has used methods that are more fiendish and more cruel than Great Britain used in Egypt.

Egypt, like China, was one of our allies. She furnished more than a million men on the battle field. She went into the war enthusiastically. The entire Egyptian nation was behind their soldiers in the fight. They believed what was said by Great Britain at various times in regard to what Great Britain would do when for years she said she stood for the integrity of Egypt. After the beginning of the war in 1914 Great Britain deposed the Khedive and put another man in his place, and the King of England then said, in a letter, as follows:

I feel convinced—

Writing to the Khedive that he had put into office—

that you will be able, with the cooperation of your ministers and the protection of Great Britain, to overcome all influences which are seeking to destroy the independence of Egypt.

Mr. President, I could go on and quote officials of Great Britain where they said practically the same thing; in other words, "We are going to fight for the liberation of the Egyptian people, for the integrity of the Egyptian nation," and make them absolutely free." These representations were believed by the Egyptian people; and because they were against Turkey they followed Great Britain's lead when she deposed their chief officer and put in another one, believing that it meant their national integrity and their freedom at the end of the war.

Egypt fought through the war loyally; and when the peace conference was called the people, 13,000,000 of them, in absolute confidence that Egypt was going to be an independent, free nation, and settle her own affairs like the other nations of the world, immediately selected representatives and sent them to Versailles. The vice president of their assembly, elected by the Egyptian people, headed that commission. There were four of them. No sooner had that been done than Great Britain arrested every one of them, in their homes, before they had an opportunity to go to Paris, without notice, without a charge, without anything except a desire to prevent them from going as commissioners to the peace conference as the representatives of other nations and other belligerents were allowed to do.

There was an uprising that we did not hear much about in this country. There was an uprising in Egypt such as never took place before, similar to what happened over in Korea, when unarmed people all over the nation rose up as one man shouting for liberty and for freedom. This happened in Egypt; and the answer to it was machine-guns turned on them by British soldiers and bombs dropped from the air from flying machines. More than a thousand unarmed Egyptian citizens were killed and other thousands wounded; but the excitement was so great that Gen. Allenby—who was, as we all know, the commander of the forces that took Palestine—made a great complaint. A great many of his soldiers were Egyptians. He

sympathized with them. He advised the British Government that they could not carry this matter so far and these men were released, after they had been kept in prison until this conference had been in session for a long time; and when they were released they came to Paris, and when they came to Paris they were denied admission to the peace conference. They never got to the peace table. They were refused admission to the place, behind closed doors, where this great treaty was made. Then they wrote letters, official communications, to Clemenceau, to Lloyd-George, and to President Wilson, and they were never even answered by any of those great leaders. They were absolutely ignored, and this provision that the Senator has read was put into the treaty. In effect it practically turns Egypt over to Great Britain.

Senators who sympathize with and who have voted in this Chamber to put a reservation into this treaty saying, in substance, that we will wash our hands of the Shantung crime—it did not go as far as I wanted it to go, and this does not go as far as I should like to see it go—certainly can not turn their backs on this proposition that has been submitted in the shape of a reservation. It simply says that we understand that the control of Great Britain is only temporary, and that it is taken only for the purpose of transferring the sovereignty to the Egyptian people.

I do not see how anyone can object to it. I could fill the CONGRESSIONAL RECORD with statements made by various British statesmen and leaders, away back before the war, where they said they were always going to stand for the integrity of the Egyptian nation.

Then, too, Mr. President, there is not any question here of mixed races. The Egyptian people existed before Great Britain existed. Egypt is one of the oldest nations in the world. Its boundaries are well defined and well known. There is no question about them. Neither is there any question about a mixture of peoples, such as might exist in Czecho-Slovakia and these other nations that have been formed, where the boundary lines are overrun both ways by nationalities. Here there is nothing but an Egyptian people, all Egyptians, living in a country that has existed for thousands of years—more years than any of the other nations that are signatories to this treaty, and that has a civilization well understood and well known—asking only for freedom and for liberty, which England herself has many and many times officially promised them.

Mr. President, in my judgment it would be a crime for us to adopt these reservations and not put into the treaty the one that is now pending. It is the least we can do, and we certainly ought not to do anything less. If the American people could only know all the facts about this horrible, disgraceful betrayal of one of our allies by Great Britain they would demand the rejection of the entire treaty unless this reservation should be adopted. This sinful treaty divides the most of the world between England and Japan and in two instances—once for Japan and once for England—it betrays faithful allies. Poor China, after being induced to come into the war on our side and after remaining faithful to the end, was carved up and turned over to her worst enemy. Egypt sent a million of her boys to battle for our cause, under promise of Great Britain that she should be free, and at the close of the war, while her allies are celebrating a victory that was purchased in part with the life blood of thousands of her noblest sons, she finds herself betrayed by those she trusted, her national life destroyed, and her citizens vassals of Great Britain—betrayed, conquered, and despoiled.

The VICE PRESIDENT. The question is on the reservation offered by the Senator from Oklahoma [Mr. OWEN].

Mr. LODGE. I suggest the absence of a quorum.

The VICE PRESIDENT. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Hale	McLean	Smith, Md.
Beckham	Harding	McNary	Smith, S. C.
Borah	Harris	Moses	Smoot
Brandegee	Harrison	Nelson	Spencer
Calder	Henderson	New	Stanley
Capper	Hitchcock	Newberry	Sterling
Chamberlain	Johnson, Calif.	Norris	Sutherland
Colt	Johnson, S. Dak.	Overman	Swanson
Cummins	Jones, N. Mex.	Owen	Thomas
Curtis	Jones, Wash.	Penrose	Townsend
Dial	Kellogg	Phelan	Trammell
Dillingham	Kendrick	Phipps	Wadsworth
Edge	Keyes	Pomerene	Walsh, Mass.
Elkins	King	Ransdell	Walsh, Mont.
Fletcher	Kirby	Reed	Warren
France	La Follette	Robinson	Watson
Frelinghuysen	Lenroot	Sheppard	Williams
Gay	Lodge	Shields	Wolcott
Gerry	McCormick	Simmons	
Gore	McCumber	Smith, Ariz.	
Gronna	McKellar	Smith, Ga.	

The VICE PRESIDENT. Eighty-one Senators have answered to the roll call. There is a quorum present. The pending reservation is the reservation offered by the Senator from Oklahoma [Mr. OWEN].

Mr. OWEN. Let the reservation be read, Mr. President.

The VICE PRESIDENT. The Secretary will read it.

The SECRETARY. It is proposed to add as a new reservation the following:

14. The protectorate in Great Britain over Egypt is understood to be merely a means through which the nominal suzerainty of Turkey over Egypt shall be transferred to the Egyptian people, and shall not be construed as a recognition by the United States of any sovereign rights over the Egyptian people in Great Britain or as depriving the people of Egypt of any of their rights of self-government and independence.

Mr. LODGE. Mr. President, this is not a committee amendment, of course; but in the treaty we are asked to give our approbation to the renunciation of Germany's rights, whatever they may be, in Egypt, and also to a recognition of the protectorate of Great Britain; and the other articles that follow ostensibly provide for turning over to the Egyptian Government the various interests of Germany and some other matters. It comes clearly within the purview of the treaty—it is embedded in the treaty—and therefore comes fairly before the United States for a reservation. It seems to me that the reservation offered by the Senator from Oklahoma is an entirely reasonable one, and I shall support it and vote for it, so far as I am personally concerned.

The VICE PRESIDENT. The question is on the reservation offered by the Senator from Oklahoma.

Mr. NORRIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. JOHNSON of South Dakota (when his name was called). I have a pair with the Senator from Maine [Mr. FERNALD], and in his absence I withhold my vote.

Mr. KENDRICK (when his name was called). Making the same announcement of the transfer of my pair as on the former vote, I vote "nay."

The roll call was concluded.

Mr. GERRY. I desire to announce that the junior Senator from Alabama [Mr. UNDERWOOD] is paired with the junior Senator from Ohio [Mr. HARDING], and that the senior Senator from Alabama [Mr. BANKHEAD] is paired with the junior Senator from Vermont [Mr. PAGE].

Mr. HARDING. I inquire if the Senator from Alabama [Mr. UNDERWOOD] has voted?

The VICE PRESIDENT. He has not.

Mr. HARDING. I withhold my vote, as I am paired with that Senator.

Mr. McLEAN (after having voted in the affirmative). Has the senior Senator from Montana [Mr. MYERS] voted?

The VICE PRESIDENT. He has not.

Mr. McLEAN. I have a pair with that Senator, which I will transfer to the Senator from Illinois [Mr. SHERMAN] and let my vote stand.

The result was announced—yeas 37, nays 45, as follows:

YEAS—37.			
Ball	France	McCormick	Poin Dexter
Borah	Frelinghuysen	McLean	Reed
Brandegee	Gore	Moses	Shields
Caldor	Gronna	New	Smoot
Capper	Johnson, Calif.	Newberry	Sutherland
Chamberlain	Jones, Wash.	Norris	Walsh, Mass.
Cummins	Kenyon	Owen	Watson
Curtis	La Follette	Penrose	
Dillingham	Laurot	Phelan	
Elkins	Lodge	Phipps	
NAYS—45.			
Beckham	Jones, N. Mex.	Pomerene	Swanson
Celt	Kellogg	Ransdell	Thomas
Dial	Kendrick	Robinson	Townsend
Edge	Keyes	Sheppard	Trammell
Meicher	King	Simmons	Wadsworth
Gay	Kirby	Smith, Ariz.	Walsh, Mont.
Gerry	McCumber	Smith, Ga.	Warren
Hale	McKellar	Smith, Md.	Williams
Harris	McNary	Smith, S. C.	Wolcott
Harrison	Nelson	Spencer	
Henderson	Overman	Stanley	
Hitchcock	Pittman	Sterling	

So Mr. OWEN's reservation was rejected.

Mr. LA FOLLETTE. I give notice that I will ask for a vote in the Senate on the reservation just voted upon, offered by the Senator from Oklahoma [Mr. OWEN].

Mr. OWEN. Mr. President, I offer the following reservation, which I send to the desk.

The VICE PRESIDENT. The Secretary will read it.

The Secretary read as follows:

Resolved, That the United States in ratifying the covenant of the league of nations does not intend to be understood as modifying in any degree the obligations entered into by the United States and the Entente

Allies in the agreement of November 5, 1918, upon which as a basis the German Empire laid down its arms. The United States regards that contract to carry out the principles set forth by the President of the United States on January 8, 1917, and in subsequent addresses, as a world agreement, binding on the great nations which entered into it, and that the principles there set forth will be carried out in due time through the mechanism provided in the covenant, and that article 23, paragraph (b), pledging the members of the league to undertake to secure just treatment of the native inhabitants under their control, involves a pledge to carry out these principles.

Mr. OWEN. Mr. President, I shall take only a few moments to explain the meaning of this reservation.

When the United States and the Entente Allies were fighting with the troops of Germany, and it was decided to bring the war to an end, the President of the United States submitted to the Entente Allies the question as to the conditions upon which the armistice might be obtained. Those conditions were set forth in a letter of Secretary Lansing on November 5, 1918, and involved the principles set forth by the President of the United States on the 8th of January, 1918, involving the principles of liberty, involving the right of people to self-determination, involving the doctrine that all just government rests upon the consent of the governed.

This contract, entered into on November 5, 1918, is the most important ever entered into in the history of the world. It pledged the liberty of men throughout the whole world. It was the thing for which we fought. This matter ought not to be disposed of without the Senate of the United States reiterating those principles upon which this World War was fought and won. This proposed reservation sets them forth in explicit terms. It is for the Senate to pass on it.

The VICE PRESIDENT. The question is on agreeing to the reservation proposed by the Senator from Oklahoma.

The reservation was rejected.

RECESS.

Mr. LODGE. Mr. President, I move that the Senate take a recess until 10 o'clock to-morrow morning, and I give notice that to-morrow I shall ask the Senate to remain in session until we dispose of the amendments and reach the ratifying resolution.

The motion was agreed to; and (at 6 o'clock p. m.) the Senate took a recess until to-morrow, Tuesday, November 18, 1919, at 10 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate November 17, 1919.

ASSISTANT ATTORNEY GENERAL.

Thomas J. Spellacy, of Hartford, Conn., to be Assistant Attorney General, vice LaRue Brown, resigned.

UNITED STATES ATTORNEY.

Lester E. Humphreys, of Portland, Oreg., to be United States attorney, district of Oregon, vice B. E. Haney, resigned, effective November 1, 1919.

UNITED STATES MARSHAL.

George B. Witt, of Lynnville, Tenn., to be United States marshal, middle district of Tennessee. (Mr. Witt is now serving under a recess appointment.)

HOUSE OF REPRESENTATIVES.

MONDAY, November 17, 1919.

The House met at 10 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Teach us, Infinite Spirit, our Heavenly Father, the dignity, the sanctity, of law, that we may practice the art of living together in harmony.

Our fathers gave us a Government based upon the fundamental principles of equal rights for all.

Law is to restrain the vicious and protect the law-abiding citizen in the pursuit of life, liberty, and happiness. Law is the golden rule which makes for freedom in secular as well as in religious pursuits. To practice it brings peace, joy, righteousness to the individual and all concerned.

Render therefore unto Caesar the things that are Caesar's, and unto God the things that are God's. In the spirit of the Master. Amen.

The Journal of the proceedings of Saturday, November 15, 1919, was read and approved.

THE RAILROADS.

On motion of Mr. Esch, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10453) to provide for

the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, and for other purposes, with Mr. WALSH in the chair.

Mr. ESCH. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Wisconsin makes the point of order that no quorum is present. The Chair will count. [After counting.] Thirty-two Members present, not a quorum. The Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Ackerman	Ellsworth	Kendall	Reavis
Andrews, Md.	Elston	Kennedy, Iowa	Reber
Anthony	Evans, Mont.	Kettner	Reed, N. Y.
Ashbrook	Fairfield	Kless	Reed, W. Va.
Bacharach	Ferris	Kreider	Rhodes
Bell	Flood	Langley	Riddick, Mont.
Benham	Focht	Layton	Riordan
Biles	Fordney	Lee, Ga.	Rowan
Booher	Fuller, Ill.	Lehibach	Rubey
Britten	Gallagher	Linthicum	Sanders, N. Y.
Browne	Gallivan	Lufkin	Sanford
Brumbaugh	Gandy, S. Dak.	Luhning	Schall
Burroughs	Garland	McAndrews	Scully
Cantrill	Garnier	McClintic	Sherwood
Carew	Godwin, N. C.	McKenzie	Shreve
Carter	Good	McKeown	Sinclair
Clark, Fla.	Goodall	McPherson	Sinnot
Connally	Goodykoontz	Major	Sisson
Copley	Graham, Pa.	Mann, Ill.	Smith, N. Y.
Crago	Greene, Mass.	Mason	Smithwick
Currie, Mich.	Griest	Miller	Steenerson
Curry, Calif.	Hamill	Moon	Stephens, Miss.
Davey	Harrison	Moore, Pa.	Sullivan
Davis, Minn.	Hays	Moore, Ind.	Taylor, Ark.
Dempsey	Hersman	Mudd	Temple
Denison	Houghton	Neely	Tincher
Dent	Howard	Newton, Minn.	Towner
Denovan	Hull, Iowa	Nicholls, S. C.	Upshaw
Doelling	Humphreys	Nichols, Mich.	Vare
Doremus	Jacoway	Nolan	Ward
Drane	Johnson, Ky.	O'Connor	Watkins
Dunn	Johnson, S. Dak.	Padgett	Woodyard
Dupre	Johnston, N. Y.	Peters	Wright
Dyer	Juul	Phelan	Yates
Eagan	Kahn	Platt	
Eagle	Kelley, Mich.	Pou	
Edmonds	Kelly, Pa.	Randall, Calif.	

The committee rose; and the Speaker having resumed the chair, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the commerce bill, H. R. 10453, found itself without a quorum, whereupon he caused the roll to be called, when 284 Members answered to their names, a quorum, and he reported the names of the absentees to be printed in the Journal and RECORD.

The SPEAKER. A quorum is present. The committee will resume its session.

Mr. HULINGS. Mr. Speaker—

The SPEAKER. Under the rule the Chair has no authority to recognize the gentleman.

The committee resumed its session, with Mr. WALSH in the chair.

Mr. MONDELL. Mr. Chairman, I rise for the purpose of asking unanimous consent to make a brief statement relative to the business before the House. It is our hope—

Mr. BLANTON. Mr. Chairman, a point of order. Would it not be in order to prefer the request for unanimous consent?

Mr. MONDELL. Mr. Chairman, it is our hope to conclude the consideration of the railroad bill to-day. [Applause.] I do not mean to convey the impression that there is any disposition to rush or press unduly this legislation. It should have the thorough consideration to which it is entitled, but it is hoped by those who have charge of the legislation that we may conclude the consideration of the bill to-day, even though it may require a session somewhat into the night, and my thought is that after this legislation is disposed of the House should not attempt to transact further business of importance at this session. [Applause.] It may not be possible to secure an immediate adjournment, but in any event my thought is, and I hope that will be the view of all the Members of the House, that after we have disposed of the railroad bill Members should be at liberty to go home and secure that very brief vacation to which they are so richly entitled.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I yield.

Mr. LONGWORTH. When the gentleman says no other business should be transacted except the railroad bill I take it that he does not exclude some very important revenue legislation that we expect from the Senate to-day or early to-morrow?

Mr. MONDELL. Well, Mr. Chairman, I do not believe that we are justified in insisting upon a quorum here after the rail-

road bill is disposed of [applause] except for the consideration of such matters as may at that time be before the House or which may be disposed of without delay.

Mr. MADDEN. Will the gentleman yield?

Mr. MONDELL. In just a moment. The resolution which the gentleman from Ohio has in mind is a resolution continuing the authority of the Federal Trade Board over the importation of dyestuffs until the 15th of January. I think if that resolution is before the House when the railroad bill is disposed of it can be adopted immediately. I can imagine no opposition to it, and I think that should be done either to-night or to-morrow. Further than that—and I do not anticipate that would occasion any delay or meet with any objections—I know of no legislation which is of such importance as to justify an attempt to hold a quorum of the House at this time, when Members are so anxious to get home for a few days.

Mr. MADDEN. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. MADDEN. I want to emphasize what the gentleman has already said—that I think beyond any doubt the extension of time should be granted to the War Trade Board in regard to the importation of dyes. It is more important than anything else except the railroad bill. As I understand the situation, if the extension of time is not granted to the War Trade Board the Germans may dump sufficient dyes on the market to destroy all legislation in regard to that enterprise.

Mr. KEARNS. Why can not that extension of time be given in five minutes?

Mr. MONDELL. I think it can.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. GREEN of Iowa. In the absence of the gentleman from Michigan [Mr. FORDNEY], the chairman of the Committee on Ways and Means, I will say that that is the only tariff legislation that we expect to consider at this session.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. JOHNSON of Washington. I hope the gentleman's statement does not mean to foreclose the consideration of the rule to permit the Committee on Immigration and Naturalization to sit during the recess.

Mr. MONDELL. If that authorization can be secured promptly, I think it should be done. I do not think it is of sufficient importance to warrant us in demanding the presence of a quorum after to-day. I hope it may be disposed of this evening or to-morrow by unanimous consent.

Mr. JOHNSON of Washington. It is extremely important that the House should do it.

Mr. HULINGS. Will the gentleman yield?

Mr. MONDELL. I will yield.

Mr. HULINGS. Does the gentleman think it more important for Congress to get home at this time than for Congress to take up certain measures which should be enacted and which the country is expecting Congress to attend to?

Mr. MONDELL. The gentleman's question opens an endless and limitless field for discussion. I expect to remain here myself and shall be here without regard to any adjournment. The gentleman from Pennsylvania will have an opportunity to go home. But this House has been in session for nearly six months continuously, working earnestly and faithfully, and I think the membership are entitled to a few days at home. There never is a time when some one is not demanding something of Congress, but Congress is entitled to a few days' vacation. [Applause.]

Mr. CARAWAY. Will the gentleman yield?

Mr. MONDELL. I will yield to the gentleman from Arkansas.

Mr. CARAWAY. I want to ask the gentleman if it would not be possible to have a day set aside, or a night session, for consideration of bills on the Private Calendar that are not objected to? If any are objected to, they should not be considered.

Mr. MONDELL. Personally I should have no objection and should be pleased to have that done, but, as I have said, the time from now until the beginning of the regular session is so brief that no serious injury can come through the delay of enactment of legislation until the 1st of December, other than that which has been referred to. I do not believe—and let me emphasize again my view in that regard—I do not believe that we are justified in asking a quorum to remain here after the railroad bill is disposed of, and I doubt if gentlemen would be willing to agree to the consideration of the Private Calendar or the Unanimous Consent Calendar after we had reached a determination to practically cease business for the session.

Mr. CARAWAY. I want to say that the calendar could be gone through with and these bills objected to set aside and those that are not objected to passed.

Mr. SIMS. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. SIMS. The agreement which the gentleman refers to, that there shall be no business done, is in effect on the public business an adjournment. Congress does not sit to do nothing. Why not adjourn after the railroad bill is through with? [Applause.]

Mr. MONDELL. In the beginning of my statement I said that there had been up to this time some difficulty in the way of securing an agreement for an adjournment. We hope, however, that an agreement may be secured very soon. But if that agreement can not be secured for a day or two, my thought is that in the meantime it shall be understood that the House shall transact no business.

Mr. SIMS. Let us introduce a resolution for adjournment, and let it fail where I suppose the gentleman refers to. [Applause.]

Mr. McFADDEN. Does the gentleman from Wyoming mean to imply that the conference report on the foreign financial bill will not be considered?

Mr. MONDELL. I think it might; but I do not consider it so important as to justify a demand for a quorum after to-night.

Mr. BLANTON. Will the gentleman from Wyoming yield for a question?

Mr. GOULD. The regular order, Mr. Speaker.

Mr. BLANTON. I will say that there will be no unanimous consent for a three-day adjournment. I am in favor of an adjournment.

Mr. BLAND of Missouri. Mr. Chairman, on Saturday, in the hurry just before the adjournment, my attention was directed to the fact that the amendment proposed by the gentleman from North Carolina struck out paragraph (b) in the Esch bill, on page 61, and also struck out paragraph (b) in the interstate commerce act.

Mr. SMALL. The gentleman is mistaken; it does not strike out (b) in the present law.

Mr. BLAND of Missouri. The gentleman did not wait until I finished. He is correct in his statement. I therefore ask permission to substitute (b) in my proposed amendment, and I ask unanimous consent to insert the amendment between lines 5 and 6, so as to read paragraph (b) instead of (c), and I understand the chairman in charge of the bill does not object.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to modify his amendment by inserting it between lines 5 and 6 on page 61 as a part of paragraph (b). Is there objection?

Mr. ESCH. Mr. Chairman, I, of course, could not object to the presentation of the amendment by the gentleman from Missouri.

Mr. BRIGGS. Mr. Chairman, reserving the right to object, may I ask the gentleman from Missouri the nature of the change?

Mr. BLAND of Missouri. Paragraph (b) has been stricken out of the bill under consideration and therefore leaves standing as part of the law paragraph (b) of the commerce act, which provides for a maximum rate only. My amendment is simply to amend paragraph (b) of the commerce act as is proposed in the amendment published on page 9097 of the Record of Saturday and in order that the amendment may be considered upon its merits, I make the request.

The CHAIRMAN. Is there objection?

Mr. BRIGGS. Mr. Chairman, I object.

The CHAIRMAN. Objection is made. The question is on the amendment offered by the gentleman from Missouri.

Mr. BLAND of Missouri. Mr. Chairman, I ask unanimous consent to withdraw the amendment offered to paragraph (c).

The CHAIRMAN. The gentleman asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. BLAND of Missouri. Mr. Chairman, I now offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 61, after the word "embraced" and following paragraph (b), being the thirteenth paragraph of section 6 of the commerce act—

Mr. ESCH. Mr. Chairman, the word "embraced" is not there. That is the last word of (b), which was stricken out.

Mr. BLAND of Missouri. I am offering a new amendment.

The CHAIRMAN. The gentleman from Wisconsin directs attention to the fact that the word "embraced" is not in paragraph (b), it having been stricken out.

Mr. BLAND of Missouri. It is in the original commerce act (b), and concludes the paragraph.

The CHAIRMAN. But it has been stricken out of the paragraph to which the gentleman is offering an amendment.

Mr. BLAND of Missouri. Then let it come in preceding line 6, following paragraph (b).

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to modify his amendment so that it may be inserted preceding line 6. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Preceding line 6 on page 61 insert: "The absorption out of its port-to-port water rates, or out of its proportional through rate, by a water carrier, of the switching, terminal, lighterage, car rental, trackage, handling, or other charge by a rail carrier, for services within the switching, drayage, lighterage, or corporate limits of a port terminal or district, shall not be held to constitute 'an arrangement for a continuous carriage or shipment' within the meaning of the act to regulate commerce, and shall not subject such water carrier to the provisions of such act."

Mr. BLAND of Missouri. Mr. Chairman, I direct attention of the committee to section 1 of the commerce act, and omitting that portion which relates to the transportation of oil or other commodities, the section would read:

That the provisions of this act shall apply to any common carrier or carriers * * * engaged in the transportation of passengers or property wholly by rail (or partly by rail or partly by water when both are used under a common control, management, or arrangement for a continuous carriage or shipment), from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from one place in a Territory to another place in the same Territory—

And so forth.

The purpose of this amendment which I offer is to enable the water carrier to transport property for the water rate to a warehouse just as the railroads can carry for the rail rate to a warehouse. To illustrate, if the rate by rail from New Orleans to St. Louis is \$1, the water rate would be 80 per cent of the rail rate or 80 cents, as the differential of 20 per cent applies to all classes of freight. When the shipment, whether a carload or less than a carload, reaches the docks at St. Louis, it must be transported from the docks to the warehouse. The railroads have their terminals or their switching lines running from the main lines to the different warehouses, and make the warehouse delivery for the one charge—that is, the rail rate—while the water carrier can only transport to the dock and not to the warehouse, unless permitted to absorb the switching, drayage, and so forth, charges, then it could make warehouse delivery and absorb the expense thereof into its water rate.

I know this to be a fact by an experience or acquaintance with conditions for nine or ten years in connection with the operation of boats on the Missouri between St. Louis and Kansas City, and I know, too, that the same condition has obtained since boats have been operated on the Mississippi River—that is to say, warehouse deliveries by water carriers are necessary in order to attract commerce to the river—and to that end the water lines should be permitted to absorb the terminal charges, whether lighterage, car rental, switching, drayage, or other terminal charges into their port-to-port rates or their proportional of the through rates. This could not be a discrimination; it would let the water carriers make warehouse deliveries, just as the railway companies do, where their switch tracks extend to the warehouse or warehouses, and I believe that every friend of water routes or ways, keeping in mind the importance of this matter—yes, I believe that every friend of increased facilities for transportation must have in mind the importance of granting this permission and will vote for the amendment now proposed.

We are not legislating to-day simply for a railroad bill, but it is, or at least it should be, a transportation measure, covering comprehensively water lines and rail lines of this country as far as the bill permits, and this amendment simply enables the water carriers to absorb the terminal charges at ports of destination, thereby making the delivery to the warehouse, as the railways may do, for the one charge or rate, and if it is not permitted, then, under this section which I have just read, such action of the part of the water carrier might be construed as an arrangement for a continuous carriage or shipment, and for that reason be prohibited or prevented by the order of the Interstate Commerce Commission. The happening of such a contingency would be prevented by this amendment, and while it is true, as a matter of fact, that the water carriers, even in the face of knowledge that such a prohibition might possibly be invoked and enforced, have, nevertheless, in order to attract commerce, been compelled to absorb terminal charges into the port-to-port or into the proportional rate, I think it is well to have

the law so explicit that there may be no doubt about the right of the water carriers to take such action when they so elect, and to that end I have introduced this amendment in the interest of water transportation and to increase the commerce over the rivers.

I am indeed sorry to have noticed the unwillingness of the committee to adopt at least that portion of the amendment proposed on Saturday by my colleague from North Carolina [Mr. SMALL], and which appears on page 9079 of the RECORD of that date. It certainly should have been adopted down to the proviso, and if so the amendment would have provided that "where there is an existing line of water transportation, or one is proposed to be immediately established, it shall be unlawful for any railroad which operates between points competitive to said water line to reduce its existing rates, with a view to meeting the difference between water rates and the rail rates, unless after full hearing the commission shall find that such reduction of rail rates is justified in the public interest. In determining the question of public interest the commission shall consider the rates charged by the water line as presumptively reasonable, and shall also consider the advisability or necessity of maintaining increased facilities of transportation."

This amendment would have accomplished a splendid purpose, or at least would have been a step in the right direction, and would have imposed upon the commission the duty of considering many things before permitting a reduction of the rates by rail to water competitive points. It certainly would have not permitted the rate to water competitive points to be lowered, unless after full hearing the commission found such reduction of rail rates to be justified in the public interest, and the public interest would require the commission to consider the advisability or necessity of maintaining increased facilities of transportation, which would clearly include and mean water carriers. Also, under even the present long-and-short-haul rule, the commission would necessarily have to determine the effect on the intermediate points of a reduction in the rail rates to the more distant water competitive points, and it would necessarily be compelled to find, even under its present provision, whether the rates to intermediate points were reasonable within themselves, and were properly related to the existing rate to the more distant water competitive point. In such consideration also it might find, as a fact, that the existing relation, too, is improper, previous to any reduction in the rate to the more distant point, and, in such circumstances, it would find what the proper relation should be if the rate were reduced to the more distant point, maintained as between the intermediate points and the water competitive point by rail for the future.

Thus in this way the rail carrier would naturally be discouraged from making any reductions in rail rates to water competitive points that might cause or compel a reduction of rates to intermediate points in competition with water lines. This amendment, however, was rejected, I regret to say, by the committee, and constitutes one of the many objections to the bill as acted upon by the committee up to this time.

There is another serious omission which unfortunately occurs in the bill. Under section 201, while it is provided that "all of the boats, barges, tugs, and other transportation facilities on the inland, canal, and coastwise waterways" shall be transferred to the Secretary of War, who, through the Chief of Engineers, shall utilize or operate such transportation facilities and assume and carry out the contracts in relation thereto which were entered into by the President, and further provided for the payments to be made on account of the obligations which had been created in the purchase of boats, the bill nowhere, by its terms, creates a going business administration. It simply provides for operation of the boats which have been purchased and should not compel reliance upon an implication of authority where any doubt could have been made certain or removed by proper provisions in the bill.

It should have authorized the Secretary of War to sell any boats, barges, or other equipment which might be deemed unsuitable or unfit for the services intended, and out of such funds to construct or acquire by purchase any additional boats, barges, or other equipment deemed necessary for the development or promotion of water transportation upon the inland waterways of the United States, and to extend the operation thereof, not only as to the waterways upon and over which the boats have been operating, but upon such lateral or tributary waterways—for example, the Ohio and Missouri Rivers—when deemed advisable by the Secretary of War. My judgment has been, and now is, that it would have been better to have placed the operation of the boats in the hands of men who have had practical experience in that direction and whose experience and lives have developed administrative ability and the practical knowledge

relative to the operation of boats and the transportation of property.

To-day the country is demanding better and larger transportation facilities and this relief can be afforded best and more rapidly through the use of the waterways than by any other medium of transportation. Men, money, and material can not be secured for enlarged or extensive improvement of rail lines, and the purchase of the necessary equipment to meet the necessities of the country. For example, the great interior producing area, the greater Mississippi Valley possesses a system of waterways naturally the greatest in the world and which, if improved, would enable a large part of the wonderful production of that valley to be transported to the markets of the world. There was never a better time to evidence interest in waterways and to develop the practical use there than now. The country, during the war, appropriated, in round numbers, \$10,000,000 for the purchase of boats, barges, and other equipment for use upon the Mississippi River from St. Paul and Minneapolis to the Gulf and with wise and effective legislation directed to the largest possible use of these boats and barges to which I have referred upon the inland waterways of the greater Mississippi Valley, and with a continued and energetic use thereof millions of tons of freight could be transported.

The bill under consideration, while containing some good provisions, falls far short of meeting the proposition and not only the amendment to which I have made reference as having been rejected should have been adopted, but others which were proposed for consideration, and I hesitate to support a bill so lame in so many important particulars and necessary provisions.

Mr. ESCH. Mr. Chairman, I am opposed to the amendment suggested by the gentleman from Missouri. The Interstate Commerce Commission has been given power to determine joint rates on through routes, rail and water. This amendment suggested by the gentleman from Missouri might be used as a device to prevent the commission from exercising the power it now has, and that no doubt may in a way be the purpose of the amendment. For instance, a shipper in Albany, N. Y., wishes to ship to Savannah, Ga., by rail to New York and by water from New York to Savannah. In New York an agent of the water line could pay the wharfage, the lighterage, or cartage charges, and break the shipment and hence the through route. The adoption of this amendment would take away from the commission the power to make a through rate, it would be breaking the bulk, it would be destructive of the continuous shipment, and for that reason I think the amendment should not be adopted.

Mr. STEPHENS of Ohio. Mr. Chairman, I would like to speak a few minutes on this question, and I move to strike out the last word. In the matter of the relationship between the railroads and the water I desire to call the attention of the committee to a certain condition that exists along the Ohio River. I am in favor of this amendment presented by the gentleman from Missouri if it provides for the condition that now exists in river traffic.

In years gone by the Ohio River was the great artery of trade from Pittsburgh to New Orleans. Fleets of coal, iron ore, and other products of manufacture filled the river in every freshet. During the past number of years these boats have disappeared from the river until now you seldom see coal fleets and river packets in the ordinary line of trade. We now have a river that is of very little use, and have come to the conclusion that the railroads have so manipulated transportation that they have taken the traffic from the Ohio River. There are transportation lines now paralleling this river, and every effort is made to kill off river traffic. Millions of dollars have been spent for dams on the Ohio River, and up to the present time they are not worth a damn [laughter and applause], and they never will be unless we can revive river traffic. There is a movement on foot to construct a barge canal from the Ohio River to Lake Erie. The United States engineers are now engaged on four routes, and organizations have formed for the promotion of the project along each of these routes.

We want a canal from Lake Erie to the Ohio River, thus insuring to the Central States adequate and cheaper transportation facilities to the sea. The whole system of transportation will be solved in our country by the connection of these waterways by canals. This will bring the Great Lakes to the Gulf. The freight congestion and future transportation problems of the country will be determined.

The railroads constantly complain of the car shortage and great congestion in ports like New York and other places, yet it seems the policy of the railroads to kill off river traffic and water traffic entirely. An order was recently issued that all

open cars should be used only for the delivery of coal from the mines. This order took these cars away from the men who handled sand, gravel, stone, and so forth.

It is stated that coal can be shipped from the mines from Cincinnati to points in northern Ohio or in Indiana by rail cheaper than coal which is transported down the Ohio River to Cincinnati and then reshipped. In other words, coal reshipped from the river in Cincinnati to towns in Indiana or Ohio would cost 50 or 60 cents more a ton than if the same coal came to Cincinnati by rail.

Now, I have lived along the Ohio River all my life. I remember when the river was alive with coal barges and coal fleets. I remember when these barges and fleets went from Pittsburgh to New Orleans and furnished every city along the Ohio and Mississippi Rivers with coal.

Coal elevators along this river were erected, and were active in elevating coal for the greater part of the year. Large coal yards were filled, and a supply was laid in to last the winter season. Gradually these fleets disappeared from the river and the coal elevators have closed down. In my township we have two such coal elevators. For two years preceding the war neither of these elevators had coal on hand. It was not on account of the river, because the usual freshets that occurred during the year were always able to bring any supply of coal that would be waiting for transportation at the mines.

The conclusion that is arrived at by many of the people is that there must be some collusion between the men who own the mines and the railroad. For years the Cincinnati & Louisville packets carried on a good business between these two cities on the Ohio River. A packet left Cincinnati every evening for Louisville carrying great quantities of freight. About two years ago these boats stopped their activity. The river business between Louisville and Cincinnati was virtually stopped. The boats were tied up to the shore. It was reported—but I do not know with how much truth—that some railroad had purchased the line and then had taken it off entirely.

Mr. RAKER. Will the gentleman yield?

Mr. STEPHENS of Ohio. I will.

Mr. RAKER. Will the amendment offered by the gentleman from Missouri [Mr. BLAND] remedy the condition of which the gentleman speaks?

Mr. STEPHENS of Ohio. I do not know. It is for that reason I am endeavoring to state the situation in my neighborhood, in order to find whether this amendment will remedy or help remedy the condition. I was going to ask the gentleman from Missouri whether or not that will remedy the condition I am now presenting. I would like to understand just what this bill and amendment does mean, in order to vote intelligently when I do vote. I want to know whether it will remedy this transportation question—whether it will keep the railroads from combining and breaking up the river traffic.

Some years ago a friend of mine was taking a trip up the Rhine River. He was admiring the beautiful scenery and the beautiful castles. A gentleman, noticing his interest and admiration of the scenery, told him there was only one place that he knew that exceeded in beauty and scenery the trip along the Rhine River—that is, a trip on the Ohio River from Pittsburgh to Cincinnati or from Cincinnati to Pittsburgh. He said that he had traveled all over the world, and he didn't know of a trip that equaled the beauty of the Ohio River. Its hills and valleys and manufacturing cities afforded a wonderful diversity of scenery and interest. My friend was advised if he ever went to Cincinnati to take this trip. He said he was ashamed to acknowledge to the stranger that he was from Cincinnati, because he had never taken the trip. There are no steamers now running from Cincinnati to Pittsburgh, so it would be impossible to enjoy a trip of this kind.

We are reminded of the old minstrel. You can find plenty of dams by the river side, but you can not find a boat by a dam sight.

Mr. SMALL. Mr. Chairman, I rise to oppose the pro forma amendment.

Mr. ESCH. Mr. Chairman, I ask unanimous consent that the debate on the amendment close in five minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the debate on the amendment close in five minutes. Is there objection?

Mr. RAKER. Mr. Chairman, I object. If this amendment is as important as the gentleman from Ohio [Mr. STEPHENS] says, we ought to have more discussion on it.

Mr. ESCH. Mr. Chairman, I move that the debate on the amendment close in 10 minutes.

The CHAIRMAN. The gentleman from Wisconsin moves that the debate on the amendment close in 10 minutes. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The gentleman from North Carolina [Mr. SMALL] is recognized.

Mr. SMALL. Mr. Chairman, the amendment offered by the gentleman from Missouri [Mr. BLAND] is a very important amendment, and those who are interested in the development of traffic, particularly upon our interior waterways, should, in my humble judgment, give it their support.

Here is the reason for it, if I may supplement the very clear argument presented by the gentleman from Missouri: Boat lines have found it necessary in competing for traffic to deliver their freight from the boat terminal to the factory or warehouse of the consignee, in the various parts of the district, 1 or 2 or 3 miles distant, because the rail line has switches leading to the places of those particular consignees. Wherever the boat lines have utilized spurs or switches or small sections of rail track to deliver that freight the Interstate Commerce Commission have held—have already held—that thereby jurisdiction is conferred upon the commission. Why? Because under the existing law, referring to traffic by rail and water, this language is used, "And arrange for continuous carriage or shipment by rail or water." It is held that that gives them jurisdiction. They have held for that reason that this switching charge, which the boat line wishes to absorb as a part of its through rate in order to get business, thereby brings the traffic of the boat line within the jurisdiction of the Interstate Commerce Commission, and it is a stretch of the law and is inimical to the boat lines.

This amendment of the gentleman from Missouri is intended to oust any alleged jurisdiction of the Interstate Commerce Commission of water traffic merely because the boat line, in order to get business, agrees to deliver freight to the consignee and in delivering it uses a mile or so of switch tracks or spur tracks for the purpose of doing it. They have held—and I am sure the gentleman from Virginia [Mr. MOORE] will confirm my statement—that such action on the part of the boat line, in seeking business and the delivery of its freight and the utilization of these switch or spur railroad tracks, puts it within the jurisdiction of the Interstate Commerce Commission, and the commission holds generally that any joint use to the slightest extent between a boat line and the rail brings it within their jurisdiction. The boat lines have found that it was inimical to water transportation, and this amendment of the gentleman from Missouri will remedy that condition and leave them free to arrange for the delivery of their traffic and absorb whatever cost may be involved therein, and will permit that traffic still to be considered water traffic and outside of the jurisdiction of the commission. I think it is an important amendment and ought to be adopted.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

The CHAIRMAN. The gentleman from Kansas [Mr. LITTLE] is recognized. Does the gentleman from Kansas withhold?

Mr. LITTLE. I will.

Mr. BARKLEY. It occurs to me that so far as this would apply to lighterage and track charges where the shipment reaches its destination there could be no objection, but the objection raised by the gentleman from Wisconsin [Mr. ESCH] is that it would apply to such charges where the freight has not reached its destination and would apply to every transition from rail to water carrier or from water carrier to rail until it reaches its ultimate destination. Could an amendment be made whereby it would be limited to cases where it had reached its final destination?

The CHAIRMAN. The gentleman from Kansas is recognized for five minutes.

Mr. LITTLE. Mr. Chairman, a railroad can now ship from warehouse to warehouse. That means it can absorb the charge of which the gentleman from Missouri [Mr. BLAND] now speaks. All that this amendment asks, as I understand, is that the water company can absorb the same charge as the railroad company bringing a car into a town and switching it over and putting it up against the warehouse at the water side. As I understand it, the steamboat can not now do so without this amendment. All they ask is to be allowed to absorb that charge.

This bill, the gentleman from Wisconsin suggests, would render it possible that somewhere on the route they could break bulk and avail themselves of the advantage that this process would give them. But this does not do that. This refers to the terminal. If they were to stop somewhere on the route, that would not be at an actual terminal, because the terminal is the place it finally reaches. I had in mind the drawing of an amendment to the effect that this should not apply to anything en route, but on reflection I find it is unnecessary.

We spend large sums annually for the improvement of rivers and harbors. The principal justification for it is found in the fact that large bulks can be carried over the waterways more cheaply than by railroads. Men in a hurry will always seek

transportation by the railroad anyway, but these big bulks on the waterways should be given the privilege of getting into the warehouse on the same terms with other shipments. It would be a waste of money for us to improve the rivers and harbors for water transportation and still withhold from them that opportunity. I am not unfamiliar with the necessities of the water routes. I am sure that the danger suggested by the gentleman from Wisconsin [Mr. Esch] could not possibly arise. No court would contend that a "terminal" meant any terminal except one where the journey terminates.

Mr. BLAND of Missouri. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. Yes.

Mr. BLAND of Missouri. Is it not a fact that where there is only a difference of 20 per cent between the rail and river rate, if a shipper is compelled to pay the terminal charges from boat line to warehouse that will compel the payment by the shipper of a greater rate than the rail rate to secure the delivery to his warehouse?

Mr. LITTLE. Yes. It may penalize the people who ship by steamboat over waterways. I would be the last one to interfere with the work of this committee. I want to see this bill go through with only essential changes. This matter is a matter of no importance to anybody except those who ship on the waterways. It is very important to gentlemen from a city like that from which the gentleman from Missouri [Mr. Bland] and I come. The gentleman from Ohio [Mr. Stephens] is in the same shape, of course. There is a constant effort all the time to preserve the waterways for use, yet this practice amounts to a penalization of shipments for a long distance, and I hope it will not occur.

This is a small amendment to this big bill, but a very big amendment to the cities from which we come. I earnestly hope that the committee will not oppose the amendment. [Applause.]

The CHAIRMAN. The question is on the amendment of the gentleman from Missouri.

The question being taken, on a division (demanded by Mr. Esch) there were—ayes 75, noes 49.

Mr. ESCH. I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. MERRITT and Mr. BLAND of Missouri.

The committee again divided; and the tellers reported—ayes 68, noes 57.

Accordingly the amendment was agreed to.

The Clerk read as follows:

SEC. 415. Section 13 of the commerce act is hereby amended by inserting "(1)" after the section number at the beginning of the first paragraph and "(2)" at the beginning of the second paragraph, and by adding at the end thereof two new paragraphs to read as follows:

"(3) Whenever in any investigation under the provisions of this act, or in any investigation instituted upon petition of the carrier concerned, which petition is hereby authorized to be filed there shall be brought in issue any rate, fare, charge, classification, regulation, or practice made or imposed by authority of any State, the commission, before proceeding to hear and dispose of such issue, shall cause such State or States to be notified of the proceeding. The commission may confer with the authorities of any State having regulatory jurisdiction over the class of persons and corporations subject to this act with respect to the relationship between rate structures and practices of carriers subject to the jurisdiction of such State bodies and of the commission; and to that end is authorized and empowered, under rules to be prescribed by it, and which may be modified from time to time, to hold joint hearings with any such State regulating bodies on any matters wherein the commission is empowered to act and where the rate-making authority of a State is or may be affected by the action taken by the commission. The commission is also authorized to avail itself of the cooperation, services, records, and facilities of such State authorities in the enforcement of any provision of this act.

"(4) The commission shall have authority, after full hearing, to make such findings and orders as may in its judgment tend to remove any undue advantage, preference, or prejudice as between persons or localities in State, and interstate or foreign commerce, respectively, or any undue burden upon interstate or foreign commerce, which is hereby forbidden and declared to be unlawful, and such findings or orders shall be observed while in effect by the carriers parties to such proceeding affected thereby, the law of any State or the decision or order of any State authority to the contrary notwithstanding."

Mr. SIMS. Mr. Chairman, I move to amend paragraph 4, on lines 14 and 15, page 63, by striking out after the word "respectively," in line 14, the words "or any undue burden upon interstate or foreign commerce."

Mr. Chairman, I will wait a moment, because I do not want to interrupt the greeting which is being extended to the gentleman from Illinois [Mr. Mann], whom we are all glad to see with us again. [Applause.]

This section reads:

The commission shall have authority, after full hearing, to make such findings and orders as may in its judgment tend to remove any undue advantage, preference, or prejudice as between persons or localities in State, and interstate or foreign commerce, respectively.

And then it adds the words—

or any undue burden upon interstate or foreign commerce.

Now, the language, omitting what I propose to strike out, is amply sufficient for any proper use of that authority, and if there are added to it the words—

or any undue burden upon interstate or foreign commerce—

it will be setting up something new that the courts have not passed on, and for the interpretation of which there is no guidance whatever to the commission, leaving it absolutely within its power to judge in and of itself what will constitute an undue burden. This language is unnecessary to accomplish the object and purpose of the whole section. It will set up a standard which nobody knows what it will be when applied by the commission. What will the courts hold is an undue burden? It brings in an element of uncertainty which ought not to be introduced and ought not for a moment to be considered in this connection, because it is not necessary.

Mr. HUDSPETH. What is meant in this bill by an undue burden on interstate commerce? Everything you carry is a burden. Does not the committee mean undue discrimination against interstate commerce?

Mr. SIMS. What I am trying to express is that in which I agree fully with the gentleman's thought, that we do not know what the commission or the courts will hold is an undue burden, and there is no use in putting it in here and introducing a new element for further court decision or any new feature of uncertainty. It will give the power to the Interstate Commerce Commission to control every intrastate rate in the United States if the question is raised that the proposed rate or the existing rate constitutes an undue burden upon interstate commerce. Therefore it will give the commission the power to nullify absolutely everything that the State commission does that in its judgment will operate as or become an undue burden upon interstate commerce. Every dollar you take away from a railroad on its intrastate business is a burden on its interstate business, and therefore if a State commission should reduce an intrastate rate properly and within its authority, it thereby becomes a burden in some measure on interstate business. Whether due or undue would depend entirely upon the finding of the commission or of a Federal court as to whether or not it was an undue burden. If so, the Interstate Commerce Commission can absorb about all the power of the State commissions in connection with what may, in its judgment, constitute such burden. A State commission might order that some improvement, such as the erection of a depot or the construction of a siding or something of that sort, which has always been held to be within the jurisdiction of the State commissions, but may constitute an undue burden on the interstate carrier and nullify the action of the State commission, and it could also hold that the tax imposed by a State, county, or city is an undue burden, and in that way it could perhaps indirectly control taxation.

It may be best for it to do so, but we ought to know where we are going. We are going to give the authority to the commission by act of Congress to strip the State commissions of practically all authority which they have even over intrastate transportation if used in connection with interstate shipments. I think, Mr. Chairman, that this is going a long way, and that the rest of the language of the section is amply sufficient to carry out the Shreveport decision, which is hard enough now on large States like Texas, Georgia, California, and several others, without any extension by act of Congress.

Mr. BRIGGS. I want to ask the gentleman if the other language in this section, without the language which he seeks to strike out, does not embrace the holding of the Supreme Court of the United States in the Shreveport rate case, and certainly goes as far as we can consistently go under the holding in that case?

Mr. SIMS. That is my understanding. That is what I said.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. JONES of Texas. Mr. Chairman, I offer a substitute.

The CHAIRMAN. The gentleman from Texas offers a substitute, which the Clerk will report.

The Clerk read as follows:

Mr. JONES of Texas offers a substitute for the amendment offered by Mr. Sims, as follows: Page 62, line 19, after the word "paragraph," strike out the remainder of the section.

Mr. JONES of Texas. Mr. Chairman, in offering this amendment I have one consolation. By grace of the rules of the House the steam roller can not get me for at least five minutes.

Now, if the provision offered by the gentleman from Arizona [Mr. Hayden] with reference to water rates had been adopted, I would not have any objection, or at least no great objection, to section 415. I think the amendment offered by the gentleman from Tennessee [Mr. Sims] is good as far as it goes,

but it practically leaves in the section all the vice that it possesses at the present time. It remedies the ambiguity, but at the same time leaves what vice is now in the section. So long as you permit a town that is situated on some overgrown creek to have a lower rate for transportation than intermediate towns through which the shipment passes, you are going to have little local squabbles between the little towns and the inland cities that will make the rate situation very complex, and there will always be injustices arising that require little localities to make an appeal for readjustment of rates.

It is practically impossible, on account of the expense and delay incident to coming to the Interstate Commerce Commission, for these localities and inland cities to secure relief.

Now, if you would couple with the transfer of this power to the Interstate Commerce Commission a uniform system of rates, so as to abolish these little injustices that arise in various localities, the Interstate Commerce Commission would be relieved of about 80 per cent of its work, and it could conduct the adjustment of rates all over this country. But so long as you are going to have one little city like Shreveport given a preference over the other towns and cities within hundreds of miles, you are going to have so many complex problems arising out of adjustment of rates that it will be practically impossible for the Interstate Commerce Commission to do its work in a reasonable time. It takes months and months for them to do that.

As a matter of fact, I do not see any good reason why the rate system in this country could not be put on a mileage basis, with a loading and unloading terminal charge. Of course, the objection is always made that in a mountainous section it costs more for transportation than in a level section, but you could give them a greater rate and still leave it on a mileage basis. When you do that there will be no injustice arising, as it does now, between the inland and water cities. The Shreveport Rate case caused five years litigation upon the complaints by various cities before the Interstate Commerce Commission, and towns in my district spent hundreds of thousands of dollars in rates that the Interstate Commerce Commission finally decided were unjust. We never did get that money back, and we spent thousands of dollars in lawyers' fees in order to get it properly presented to the Interstate Commerce Commission. That all arose because, forsooth, the city of Shreveport was given a water rate. It has no water transportation to amount to anything, but has what they call potential navigation, and therefore is entitled to a water rate. Now listen, the sole and the only reason for water-competition rates is the desire on the part of the railway companies to destroy water competition and then put the rates up again.

There is a great car shortage all over the country. If we would utilize the water transportation of this country, we could release the cars for use in rail transportation, and relieve a part of this congestion.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. JONES of Texas. I ask for three minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman?

There was no objection.

Mr. JONES of Texas. Mr. Chairman, I do not believe, so long as we have the present complex situation, that a central body should determine these matters. I do not believe the man has lived since the days of Christ who can sit at a desk in Washington and distribute cars equitably all over this broad big country. I do not believe there is any man or set of men who can sit as a body, like the Interstate Commerce Commission, so long as you have the present complex system of rates, and decide within a reasonable time the various problems that will arise by virtue of the complex situation in various localities.

For instance, you can ship from San Francisco through my town in west Texas to St. Louis a great many different articles at a cheaper rate than you can ship to my town. My town is continually filing complaints, and that is but an incident to all of the towns all over the State. That is not only happening in the State of Texas but it happens all over this country.

I am not objecting to the Interstate Commerce Commission as such. I believe in solving national questions in a national way. I believe in the United States Government, in her history, her institutions, and her people, in the glory of her past, and I have implicit confidence in the future. We have the greatest form of government that was ever fashioned by human intelligence in this or any other land, and it has been made more perfect by the knowledge gained by experience. But we have got to eliminate and iron out these little classes of injustice if we are ever going to have these problems solved in a national

way. If you would place the rates of the country on a mileage basis, or if you had a provision that you could not charge a less rate for a long haul than you charge for a short haul over the same territory and over the same line of railway, you would eliminate the injustice that arises. If you yoke that proposition with the proposition granting the Interstate Commerce Commission the powers granted by section 415 I will vote for section 415, but if you do not yoke the two together I am opposed to this section. [Applause.]

Now, let me ask you why should Chicago, Kansas City, and other great centers have cheaper rail rates than the inland places and country towns? Having the advantage of water transportation, why should they be given the additional advantage of cheaper rail rates? For instance, the rate on potatoes from Chicago to Jackson, Miss., a distance of 477 miles, is 49 cents per hundred, while the rate from Chicago through Jackson, Miss., to New Orleans, a distance of 929 miles, is 45 cents—twice the distance over the same line of railway at a cheaper rate. Iron bars are shipped from Pittsburgh through Boise City, Idaho, to Portland at 65 cents per hundred, while if they stop at Boise City, which is 500 miles nearer Pittsburgh, the charge is \$1 per hundred. Can anybody justify such rank discrimination?

This favoring of certain cities tends to build up great congested centers, which is a bad thing for the country generally.

As a matter of fact in the ultimate analysis even the water cities are injured by such discriminations, for while they have a temporary advantage, when competition is destroyed that city will lose the great natural advantage of its water transportation, while if the rates were made uniform those cities would still continue to enjoy the great advantage of navigation, and the country generally would greatly benefit, because it would have two great means of transportation, whereas from a practical viewpoint it now has but one.

Mr. ESCH. Mr. Chairman, I move that all debate upon this section close in 30 minutes.

The CHAIRMAN. The question is on the motion of the gentleman from Wisconsin that all debate on this section close in 30 minutes.

The question was taken, and the motion was agreed to.

Mr. SANDERS of Indiana. Mr. Chairman, there are two motions pending before the Committee of the Whole. One of them is a motion to strike out the expression in section 415—

or any undue burden upon interstate or foreign commerce.

The other motion is to strike out the entire section. I think that the provision, section 415, writing into the statute a rule of procedure before the Interstate Commerce Commission in order to enforce the rule in the Shreveport case is, perhaps, one of the most vital if not the most vital feature of the bill. There is not anyone who would contend—and certainly the gentleman from Texas [Mr. Jones], who just left the floor, did not contend—that the rule in the Shreveport case was not a wise rule. The addition to that rule that the commission shall have jurisdiction to correct any undue burden upon interstate commerce is merely writing into the bill a provision to enforce by appropriate action before the commission the provision of the Constitution of the United States which protects interstate commerce from undue burden from any source.

Mr. JONES of Texas rose.

Mr. SANDERS of Indiana. No; I can not yield. Outside of that, it is merely the rule in the Shreveport case. This provision affords the opportunity for coordination between the State tribunals and the Interstate Commerce Commission. In the testimony before our committee Commissioner Clark stated the necessity for the legislation as follows:

We have had a good many complaints of undue preference of State shippers and undue prejudice against interstate shippers. The Shreveport case was originally brought by order of the Legislature of the State of Louisiana on account of undue prejudice believed to exist against the shippers of Louisiana and undue preference of shippers in Texas under rates prescribed by the Texas commission. Singularly enough, it was not very long until we had a complaint from Natchez, Miss., against the Louisiana rates prescribed by the Louisiana commission. We have had several complaints from parties in Missouri against the Illinois rates and we have had complaints from parties in Illinois against the Missouri rates. We have had the same situation presented in New England and from various parts of the country. I speak of it simply to show that it is not a narrow situation that existed only within the scope of the Shreveport case. It comes from all sections of the country and it results from a difference in point of view of commissions in different States, although they may be adjoining. East St. Louis, Madison, and Granite City, Ill., and St. Louis and its suburbs in Missouri for a long time have been treated in general as a common-rate district—I should say a common industrial district—to and from which the rates from points more than 100 miles distant have been the same.

Of course, there is rivalry between people on the Missouri side and those on the Illinois side. There are direct competitors on both sides of the river, and they all insist that it shall be a common-rate district, with the one exception, that East St. Louis is nearly on the edge of a substantial deposit of bituminous coal, and, of course, coal is a very

important item in the manufacturing at any of those places. The city of St. Louis consumes enormous quantities of Illinois coal, and the rates on coal to St. Louis from these southern Illinois mines are uniformly 20 cents per ton higher than they are to East St. Louis. That is being resisted by St. Louis interests in a proceeding now pending before our commission, and the present situation is defended by the East St. Louis interests; but aside from that, as I have said, they are practically, if not entirely, unanimous in their desire to have the industrial sections on both sides of the river considered as one, and they do not want any disruption of that by the action of the State commission either in Illinois or Missouri. A substantially similar situation exists at Omaha and Council Bluffs. They have been a common-rate community for a great many years; Kansas City, Mo., and Kansas City, Kans., Rock Island, Moline, and Davenport, and various other places where it happens that these industrial communities are on different sides of an imaginary line, but from a practical standpoint and from a commercial standpoint they are and ought to be considered as one.

There are a great many instances of this kind in the Southeast—Bristol, Tenn., and Bristol, Va.; Texarkana, Tex., and Texarkana, Ark., where the line runs down the middle of the main street. Therefore the necessity for authority or power somewhere to remove these undue preferences and undue prejudices that may result from a desire on the part of one State commission to promote the interests of the shippers or receivers in that State, not indulged in to the same extent by the State commission on the other side of the line, if undue preferences and undue discriminations are to be avoided.

There, for another page in the hearings, is illustrated case after case where complaints have arisen out of the rule in the Shreveport case. What is the provision of this present law? The provision here is that whenever an occasion of that kind arises, when an instance of that kind is presented to the commission, authority is given to coordinate with the State commission:

The commission may confer with the authorities of any State having regulatory jurisdiction over the class of persons and corporations subject to this act with respect to the relationship between rate structures and practices of carriers subject to the jurisdiction of such State bodies and of the commission; and to that end is authorized and empowered, under rules to be prescribed by it, and which may be modified from time to time, to hold joint hearings with any such State regulating bodies on any matters wherein the commission is empowered to act and where the rate-making authority of a State is or may be affected by the action taken by the commission.

Then it is given ample authority. After this action with the State regulatory bodies, after these joint hearings, the Interstate Commerce Commission is then given ample authority to adjust the entire situation, and if the Interstate Commerce Commission is given this authority then it will enable equal justice to be done with reference to all of these complaints.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Pardon me, but I can not yield. That arises most frequently in cases like St. Louis, where part of the city is in one State and a part in another; like Kansas City, like Rock Island, Moline, and Davenport, and instances of the same kind in the Southeast—Bristol, Tenn., and Bristol, Va.; Texarkana, Tex., and Texarkana, Ark. In all those cases it is merely a question for the Interstate Commerce Commission—

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. HASTINGS. Mr. Chairman, before I begin I ask unanimous consent to revise and extend my remarks in the Record.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLAND of Missouri. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the Record.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STEPHENS of Ohio. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HASTINGS. Mr. Chairman, I favor relinquishing Federal control over the railroads at the earliest possible date and returning them to their owners. This legislation should have been enacted several months ago. It has been brought in during the closing hours of this extra session, and copies of the bill were not available until last Sunday. The bill came up on Tuesday for consideration. It has 86 pages in it. The special rule adopted requires that we meet at the early hour of 10 o'clock each day. We have done this and have also been holding night sessions, being in session 8 or 10 hours daily, considering the bill.

The general debate was confined largely to the first provisions of the bill and no explanation was made as to that part of the measure included in Title IV, which amends the various provisions of the old law. They are very important provisions, and as each section is reached it should be explained in detail, so as to show what changes have been made in the existing law and what parts of the Federal-control act, which were intended to be temporary only, during the war, are carried forward to be made permanent law.

This bill should have been printed with the amended provisions in different type or in parentheses, so as to enable Mem-

bers who are not on the Interstate and Foreign Commerce Committee to know exactly what changes have been made and their effect. Title IV begins on page 39 and continues to the end of the bill, on page 86, or 47 pages. These pages contain amendments, either to the old law or carry provisions of the Federal-control act forward and make them permanent law, without any explanation.

The testimony taken at the hearings is very voluminous, and it is impossible for Members to inform themselves with reference to the effect of the amendments.

As stated before, I am more than anxious to return the railroads to the owners, but I am unwilling to strip the various State corporation commissions or railway commissions of their powers. It is clear to everyone that there are two lines of thought in Congress, as well as in the country at large. One favors giving larger jurisdiction to the Interstate Commerce Commission and stripping the State commissions of much, if not all, of their power, but the other believes that the interests of the people will be best served and their convenience looked after if you retain for the State commissions all the power they had prior to the war. One believes in Federal incorporation of railroads, so as to take away from the various States and State commissions any jurisdiction over railroads, either interstate or intrastate; the other in State control. Every railroad in the country favors giving the Interstate Commerce Commission all the jurisdiction it formerly exercised, and in addition take away from the State commissions all the jurisdiction they exercised prior to the war.

I have voted for every amendment looking to the retention by the State commissions of the jurisdiction they had prior to the war. I am going to support others that I know are to be offered. Conferring jurisdiction upon the Interstate Commerce Commission is in effect denying the average citizen any remedy for wrongs suffered.

We have a splendid provision in Oklahoma for a corporation commission. Prior to the war, when it could exercise the powers conferred upon it, it served the people efficiently and well. There was, perhaps, less complaint against the corporation commission of our State than any other branch of the State government. If cars were not provided at any point, the shipper, big or little, called up the State corporation commission, and the commission, in turn, notified the railroad company by telephone or telegraph, when cars would be immediately furnished. What if the individual shipper had to appeal to the Interstate Commerce Commission at Washington for relief? He knows that he could not get any relief. In hundreds of instances he would suffer loss or inconvenience rather than make a futile appeal to the commission here.

Early this fall, when the thrashing season was at its height, a car shortage began in Oklahoma. The farmers there believed that the Government would take the wheat when ready for shipment and insufficient granaries were built. Wheat was thrashed and piled on the ground, and much of it has been wasted, as the fall rains have been heavy. Every Member of the Oklahoma delegation has been asked day after day—by letter and by wire, by the governor, president of the board of agriculture, members of the State corporation commission, and individual shippers, as well as chambers of commerce of the various cities and towns—to secure additional cars from the United States Railroad Administration for shipping wheat. We have personally and in a body, not once but many times, appealed to the Railroad Administration for these cars. Partial relief has been secured only within the past few days. If the jurisdiction had been with the State corporation commission, the shippers at different points would have been advised in advance how many cars could be furnished. As it was, the local agents answered that the matter was with the Railroad Administration at Washington, just as in the future they will answer that it is with the Interstate Commerce Commission, and that, therefore, definite information can not be given.

The Interstate Commerce Commission will be a buffer between the railroads and an outraged public. No one can understand how acute the situation has been in Oklahoma and the entire Southwest who has not received these daily appeals and who has not earnestly tried in every possible way to assist in relieving the situation.

I favor giving to the State corporation commissions all supervision over railroads within their jurisdiction and authority to fix intrastate rates. I fear this bill takes such power away from the State commissions.

Prior to the war the railroads furnished every convenience in my State. If a fire was out in a depot on a cold night and an alert traveling man came in, he telephoned the State corporation commission, who in turn notified the representative of the railroad company. You may rest assured that it did not

occur again. The same is true if the lights were out at a depot where passengers had to take a train at night. Suppose these complaints had to come to Washington. They would never be heard, of course, and no relief would ever be given to the people. They would have to suffer all these inconveniences. The distance is too great for the voice of the small shipper or farmer to reach Washington, but he can secure relief from his State commission because he votes for and elects it.

While this bill appears to return to the State commissions jurisdiction with reference to intrastate rates, I believe that the supervisory jurisdiction given the Interstate Commerce Commission will have the effect of robbing the State commissions of practically all the authority they had before the war. If intrastate rate making under the guise of regulating interstate rates is given to the Interstate Commerce Commission, then the small shipper will never get any relief. For a year and a half the people of Oklahoma have been complaining against certain discriminatory rates. The State corporation in a body and the individual members of it from time to time have come to Washington to get relief. The members of the delegation, singly and in a body, have appealed to the Railroad Administration and their various representatives in every possible way to get early action. Everybody admitted that the rates were discriminatory—no one could deny it. It was shown that wholesale houses across the line in Arkansas could ship goods approximately twice the distance over into Oklahoma at the same rate wholesale and jobbing houses in Oklahoma were charged for shipping half the distance. The same was true from points in southwest Missouri and in Kansas. The representatives of the Railroad Administration did not deny this fact, but admitted it and promised relief. The members of the corporation commission would go home, but no relief would be given. They would wire the members of the delegation, and the delegation would go to see the officers of the Railroad Administration and relief would again be promised. This went on for 15 or 18 months, until finally partial relief was granted.

If the members of the State corporation commission and the entire delegation of a State could not get relief from an admitted discriminatory rate in less than 15 months, what chance has an individual shipper with the Interstate Commerce Commission? The individual shipper could get relief from a discriminatory rate, from any inconvenience or injustice, in 12 hours through a State commission. He could not get it at all from the Interstate Commerce Commission. Members of the Interstate Commerce Commission are appointed for a term of years and are removed from sympathetic touch with the people. Placing the remedy with the Interstate Commerce Commission is denying any remedy at all to the small shipper at home. I have voted for every amendment to retain in the State corporation commissions all their prewar authority.

While I am on my feet, let me say that I voted against the guaranty to railroads for the six months' period after the railroads are returned.

I also voted for the amendment providing for a full settlement of the railroads, upon their being returned to the owners, instead of permitting them to refund their indebtedness, as provided in section 205, reported in the original bill.

No one can fully understand the provisions of this bill who was not a member of the subcommittee or the full committee that sat when the hearings were held and heard the explanations and compared the reported provisions in the bill with the old law, so as to fully understand what effect the changed provisions would have. The chairman of the committee, in a burst of eloquence Friday night, stated that this is a national question. This is the view that every railroad would have us take. The railroads regard any service or convenience required by a State commission as an interference, and they want to get rid of the State commissions. I would give the State commissions more authority, if possible. They are serving the people efficiently and well, and when they are robbed of their power and this power is centered in the Interstate Commerce Commission, to that extent the individual shipper and the plain people of the country are deprived of all remedy. The Interstate Commerce Commission is given so much authority that delay will of necessity be the result. No body of 11 men can examine and pass upon the innumerable questions that will be presented expeditiously, and the result will be that too many questions will be referred to inferior officers for examination and report, and the commission can not pass upon them with first-hand knowledge. The railroads will, of course, have representatives here in Washington to present their views before the commission, but the small shipper will have no one to speak for him. There are many other objectionable provisions in the bill that should be eliminated, but I can not invite attention to all of them in the brief time allotted to me. I shall vote for amendments to restore

more power to the State commissions and for a motion to recommit to strike out the guaranty provision, and if they fail I shall vote against the bill.

Mr. SCOTT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The CHAIRMAN. The Chair will state that there are two amendments pending.

Mr. SCOTT. My point is this: I understand that a substitute has been offered by the gentleman from Texas [Mr. JONES]. The substitute really eliminates the major portion of the paragraph. If the substitute, which I think is a misnomer, is adopted, it will preclude presentation of any perfecting amendments, and I wish to avoid the possibility of being precluded from offering a perfecting amendment.

The CHAIRMAN. The Chair would state that there is an amendment to strike out certain language in lines 14 and 15, on page 63, offered by the gentleman from Tennessee [Mr. STARS]. The gentleman from Texas [Mr. JONES] offers an amendment to strike out practically the entire section. Of course, he offered that as a substitute, but it is not a substitute. It seems to the Chair that it is an independent amendment.

Mr. MANN of Illinois. Mr. Chairman, I ask for a vote, then, on the amendment of the gentleman from Tennessee to strike out part of the language in lines 14 and 15, and then the gentleman's amendment will be in order.

Mr. RAYBURN. But time has been set at 30 minutes.

Mr. MANN of Illinois. It is 30 minutes on the section, not on the amendment. I ask for a vote on the amendment.

Mr. RAYBURN. I hope the gentleman will not press that.

Mr. MANN of Illinois. I have no objection to the latter proceeding, but the effect of the gentleman's amendment is to prevent the gentleman from Michigan offering his amendment, and that is not fair.

Mr. RAYBURN. No; I think this: If we go ahead and take a vote on the substitute and then the amendment, then the gentleman can offer his amendment.

Mr. MANN of Illinois. Without debate; oh, yes.

Mr. RAYBURN. Well, I am willing to consent that the gentleman's amendment be read for the information of the committee.

Mr. MANN of Illinois. I have no objection; but the Chair ruled the amendment was out of order, which ruling was correct. One gentleman can not offer an amendment to a whole section and hog the whole thing.

Mr. RAYBURN. I understand that; but I will ask unanimous consent that the gentleman's amendment be read for the information of the House. I have no objection to that.

The CHAIRMAN. The amendment will be read for information, to be offered after the vote has been taken on the pending amendment.

The Clerk read as follows:

Amendment by Mr. SCOTT: Page 63, line 13, after the word "prejudice" strike out the balance of line 13 and insert in lieu thereof the word "any."

Mr. SCOTT. Mr. Chairman, I think the purpose of my amendment is obvious. The other night the chairman of the committee introduced an amendment which reserved in large measure the authority of the State railway commissions over intrastate commerce. Now, I insist that if the committee retains the language carried in this section it will create an uncertainty as to the purpose.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. SCOTT. I will.

Mr. NEWTON of Minnesota. The gentleman's amendment, as I understand it, would entirely wipe out the authority that the Interstate Commerce Commission has exercised in the Shreveport case and other decisions, but if I understand the amendment of the gentleman from Tennessee, to strike out a portion of lines 14 and 15, that would leave the Interstate Commerce Commission with its present authority, but it would extend its authority beyond the Shreveport case by using the words "or any undue burden upon interstate or foreign commerce."

Mr. SCOTT. Part of the gentleman's statement is correct, but his premises are not correct.

Mr. ESCH. Section 3 of the interstate commerce act makes it unlawful for any common carrier, and so forth, to make or give an unreasonable preference to any person, and so forth. That is already existing law.

Mr. SCOTT. That is true; but I call attention to this fact: In this section 4 the Interstate Commerce Commission have authority to make an order as between persons or localities in States. Now, if I understand that language, it undoes what was done the other night, because the amendment the gentle-

man introduced the other night preserved to the State commission the authority over intrastate business.

Mr. ESCH. The gentleman did not do that; that was offered on the floor by the gentleman from Iowa.

Mr. SCOTT. I beg the gentleman's pardon. I knew a member of the committee had introduced it, and I supposed it was with concurrence of the chairman.

Mr. STEVENSON. Will the gentleman yield.

Mr. SCOTT. I will.

Mr. STEVENSON. Could not the gentleman accomplish what he desires without coming in contact with the position of the chairman of the committee by striking out the word "or" in line 14, and insert in lieu thereof the words "when the same constituted," so that the regulations as between persons or localities in a State which would be dealing with one regulation where they constitute an undue burden upon interstate and foreign commerce?

Mr. SCOTT. It can be done in that way.

The CHAIRMAN. The time of the gentleman has expired. The Chair will state the time upon amendments to this section has been closed by a vote of the committee, and the Chair has assured certain gentlemen who were on their feet at the time of the vote with reference to closing the debate that he would recognize them during that 30 minutes.

Mr. PARRISH. I was on my feet.

Mr. RAYBURN. I was on my feet.

Mr. PARRISH. I will yield to the gentleman from Texas who is a member of the committee.

Mr. RAYBURN. And I said at the time that I wanted five minutes.

The CHAIRMAN. The Chair will recognize the gentleman from Texas [Mr. PARRISH].

Mr. PARRISH. Mr. Chairman, I will send to the Clerk's desk an amendment, which I ask to be read for the information of the committee.

The CHAIRMAN. The Clerk will read the amendment for the information of the committee.

The Clerk read as follows:

Amendment by Mr. PARRISH: Page 63, line 16, after the word "unlawful," strike out the comma and the remainder of line 16 and all of lines 17, 18, 19, and 20 and insert in lieu thereof a colon and the following: "Provided, however, That full faith and credit shall be given to all rates, laws, and regulations made by any State or its agencies under its authority; and the findings of the Interstate Commerce Commission shall have the effect only of authorizing the complaining party to institute suits in the proper courts for the annulment of any such State rate, law, or regulation under the general law."

Mr. SWEET rose.

The CHAIRMAN. The gentleman from Iowa is recognized for five minutes.

Mr. SWEET. Mr. Chairman and gentlemen of the committee, this, to my mind, is a very important question, because it involves the jurisdiction of the State regulatory bodies in regard to intrastate rates and the jurisdiction of the Interstate Commerce Commission in regard to interstate rates.

The gentleman from Tennessee [Mr. SIMS] has offered an amendment striking out a portion of subdivision (4) of section 415, in regard to undue burden on interstate and foreign commerce, the language of the bill being:

(4) The commission shall have authority, after full hearing, to make such findings and orders as may in its judgment tend to remove any undue advantage, preference, or prejudice as between persons or localities in State, and interstate or foreign commerce, respectively, or any undue burden upon interstate or foreign commerce.

The amendment of the gentleman from Tennessee, I believe, should be adopted. The language should be stricken from the bill, because it injects a new element into this kind of legislation. The committee, in making a report upon what is known as the Cummins bill, S. 641, expressed itself as adhering to the proposition that the State regulatory bodies should have practically complete jurisdiction over intrastate rates and that the Interstate Commerce Commission should have complete jurisdiction over interstate rates, and that they were following the decision in the Shreveport case. In my judgment, the language in the bill goes beyond the Shreveport case. The question naturally arises, What is an undue burden on interstate commerce? The question of the reasonableness of the rate can not be considered. They are adopting a rule here which is a departure from the present law, and it seems to me that we should stick to the language in the Shreveport case.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. SWEET. I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. SWEET. It was my intention to introduce an amendment to subdivision (4) which would read as follows:

(4) The commission shall have authority, after a full hearing, to make such findings and orders as may, in its judgment, tend to remove any undue preference, prejudice, or advantage found to exist.

I believe that the language I have just read expresses the intent of the Shreveport case. But when you add to that the language, "undue burden on interstate commerce," you are going beyond the decision in the Shreveport case, and you are granting power which, if exercised by the Interstate Commerce Commission, would in a measure be destructive of the jurisdiction of State regulatory bodies over intrastate rates.

Some will say that you might grant this power to the Interstate Commerce Commission and they will exercise it in a just manner. Gentlemen, I want to say to you that I am tired of granting any commission undue power with the thought that they will not exercise it, for they will exercise it. [Applause.] The Sims amendment is similar to the amendment that I expected to present. So I say to you, gentlemen, that I am not in favor of striking out all this section, but I am in favor of perfecting subdivision (4). The amendment proposed by the gentleman from Tennessee should be adopted.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The gentleman's time has expired.

Mr. ESCH. How much time have I left?

The CHAIRMAN. Five minutes.

Mr. ESCH. Mr. Chairman, the amendment offered by the gentleman from Texas [Mr. JONES], striking out practically all of the section, strikes out subsection (3), which provides for joint operation of State and Federal commissions. That plan has met with the indorsement of the National Association of Railway and Utility Commissioners, being representative of every State commission in the Union. This association took this position in its meeting in this city in 1917, and ever since that time it has reiterated its position, namely, that in disputes that arise between interstate and intrastate rates the Interstate Commerce Commission shall hold hearings, at which hearings the State commissions could sit and be heard but the final judgment should rest with the Interstate Commerce Commission. This cooperation would be impossible if the amendment of the gentleman from Texas prevailed. I believe that the plan is very valuable and will tend to reduce the number of Shreveport cases in the United States. The friendly feeling between the Interstate Commerce Commission and the State commissions that now exists will be promoted if this section remains in the bill. Strike it out and you promote Shreveport cases.

The other amendments are directed against the expression "undue burden on interstate commerce." Let me read an extract from the decision of the Supreme Court in the Shreveport case:

While these decisions sustaining the Federal power relate to measures adopted in the interest of the safety of persons and property, they illustrate the principle that Congress in the exercise of its paramount power may prevent the common instrumentalities of interstate and intrastate commercial intercourse from being used in their intrastate operations to the injury of interstate commerce. This is not to say that Congress possesses the authority to regulate the internal commerce of a State as such, but that it does possess the power to foster and protect interstate commerce and to take all measures necessary or appropriate to that end, although intrastate transactions of interstate carriers may thereby be controlled.

In order to remove the doubt expressed by the gentleman, I offer an amendment to be read in my time.

The CHAIRMAN. The Clerk will report the amendment for information.

The Clerk read as follows:

Page 63, line 13, strike out the word "State" and insert in lieu thereof the following: "intrastate commerce on the one hand"; and in line 14 strike out the word "respectively" and the comma before it and insert the words "on the other hand," so that it will read:

"(4) The commission shall have authority, after full hearing, to make such findings and orders as may in its judgment tend to remove any undue advantage, preference, or prejudice as between persons or localities in intrastate commerce on the one hand, and interstate or foreign commerce on the other hand, or any undue"

And so forth.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. SIMS], to strike out certain language in lines 14 and 15, page 63.

Mr. SWEET. Mr. Chairman, before the vote is taken I would like to have the amendment read.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again reported.

The question was taken; and on a division (demanded by Mr. SIMS and Mr. RAYBURN) there were—70 ayes and 98 noes.

Mr. RAYBURN. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. DENISON and Mr. SIMS.

The committee again divided; and the tellers reported that there were—69 ayes and 99 noes.

So the amendment was rejected.

Mr. BRIGGS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BRIGGS. Is it in order to offer an amendment to strike out paragraph 4, page 63?

The CHAIRMAN. The Chair will state that the gentleman from Michigan has an amendment which will be considered first.

Mr. JONES of Texas. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JONES of Texas. Is it in order to ask unanimous consent to strike out paragraph 4? In order to meet the objection offered by the gentleman from Wisconsin, I ask to modify my amendment so that it will simply strike out paragraph 4.

Mr. ESCH. I shall have to object to that; I have offered a perfecting amendment.

The CHAIRMAN. The gentleman from Michigan had previously offered a perfecting amendment.

Mr. SCOTT. Mr. Chairman, the amendment offered by the gentleman from Wisconsin is to accomplish the same result which was intended by my amendment, and therefore I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. That is not necessary; the amendment was only read for information. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 63, line 13, strike out the word "State" and insert in lieu thereof the following: "intrastate commerce, on the one hand," and in line 14 strike out the word "respectively" and the comma before it and insert the words "on the other hand."

Mr. PARRISH. Mr. Chairman, I had an amendment sent to the Clerk's desk and read for information just behind that of the gentleman from Michigan.

The CHAIRMAN. The gentleman will be recognized later. The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

Mr. PARRISH. Now, Mr. Chairman, I offer my amendment, and ask unanimous consent that it be read again.

The CHAIRMAN. The gentleman from Texas offers the amendment, which the Clerk will report.

The Clerk read as follows:

Page 63, line 16, after the word "unlawful," strike out the comma and the remainder of line 16, all of lines 17, 18, 19, and 20, and insert in lieu thereof a colon and the following:

"Provided, however, That full faith and credit shall be given all rates, laws, and regulations made by any State or its agencies under its authority, and the findings of the Interstate Commerce Commission shall have the effect only of authorizing the complaining party to institute suit in the proper court for the annulment of any State law or regulation under general law."

The CHAIRMAN. The question is on the amendment of the gentleman from Texas.

The question was taken, and the amendment was rejected.

Mr. JONES of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman has one amendment pending.

Mr. JONES of Texas. I offer it as a substitute for that one.

Mr. BRIGGS. I offer an amendment to strike out paragraph 4, page 63, leaving the law as it exists at the present time.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BRIGGS: Page 63, line 10, strike out all of paragraph 4.

The CHAIRMAN. The question is on the amendment.

Mr. DENISON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DENISON. Was the amendment of the gentleman from Texas offered before, or is it being offered now?

The CHAIRMAN. It is being offered now. The question is on the amendment of the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. BRIGGS) there were—ayes 37, noes 92.

Accordingly the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. JONES] to strike out all of the paragraph, after the word "paragraph," in line 10, page 62.

Mr. HASTINGS. Mr. Chairman, I have a perfecting amendment to this section which I desire to offer.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS: Page 62, line 20, after the word "commission," strike out "may" and insert "shall."

Mr. HASTINGS. That makes it mandatory. Instead of "may" do it, they "shall" do it.

The CHAIRMAN. Debate is exhausted. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. RAYBURN) there were—ayes 29, noes 78.

Accordingly the amendment was rejected.

Mr. HASTINGS. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS: Page 63, line 6, after the word "commission," strike out "is also authorized to" and insert "shall."

The CHAIRMAN. The question is on the amendment of the gentleman from Oklahoma.

The question being taken, the amendment was rejected.

Mr. HASTINGS. I offer another amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS: Page 63, line 18, after the word "thereby," strike out the comma, insert a period, and strike out the rest of the section.

The CHAIRMAN. The question is on the amendment of the gentleman from Oklahoma [Mr. HASTINGS].

The amendment was rejected.

The CHAIRMAN. The question is on the amendment of the gentleman from Texas [Mr. JONES] to strike out all of the section after the word "paragraph" in line 10, page 62.

The amendment was rejected.

Mr. JONES of Texas. Mr. Chairman, I have another amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JONES of Texas: Page 63, line 20, after the word "notwithstanding," strike out the period, insert a comma, and the following: "Provided, This section shall not be construed to empower the commission to change any such intrastate rate by substituting any greater compensation in the aggregate for the transportation of passengers, or of property of like kind or kinds, for a shorter than for a longer distance over the same line or route in the same direction, the shorter being included within the longer distance, or to charge any greater compensation as a through route than the intermediate rates subject to the provision of this act."

Mr. ESCH. Mr. Chairman, I make a point of order on that amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ESCH. It is not germane to the paragraph.

Mr. BARKLEY. I make the further point of order that that was voted on on Saturday.

Mr. JONES of Texas. It never has been voted on.

Mr. Chairman, I should like to be heard on the point of order, if there is any doubt about it.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. JONES of Texas. As I understand it, there are two points of order made. The second is that made by the gentleman from Kentucky [Mr. BARKLEY] that this amendment has been voted on. I wish to state to the gentleman that that is not correct. The one that was voted on Saturday, which was largely in the same language, had reference exclusively to interstate rates. This has reference exclusively to intrastate rates, and provides that if a State commission has fixed a rate and the Interstate Commerce Commission under the powers provided in this act shall decide to substitute that rate, they shall not substitute an intrastate rate which authorizes the charge of a greater rate of compensation for a shorter haul than they authorize for a longer haul. In other words, it is the long-and-short-haul clause applied exclusively to intrastate rates.

Now, the other point of order, made by the gentleman from Wisconsin, is that this amendment is not germane to the paragraph. The paragraph authorizes the Interstate Commerce Commission to change any intrastate rate that has a tendency to create an undue advantage, preference, or prejudice as between persons or localities. Now, by the amendment which I have offered I simply say that such a change shall not have the effect of authorizing the charging of a greater rate for a shorter than for a longer distance. It simply qualifies the power that is granted, and applies to the same power that is granted in paragraph 4 of the section. I do not see how it can be otherwise than germane, inasmuch as it applies to the same power, and simply qualifies and restricts the power with reference to the same rates that are granted in section 415.

Mr. DENISON. Mr. Chairman, I should like to call the attention of the Chair and of the gentleman from Texas to the fact that the Interstate Commerce Commission would not have

the power to fix the intrastate rates, and does not have that power even under the Shreveport case as I understand it. The Interstate Commerce Commission simply has the power to hold that an intrastate rate is an improper rate, leaving it to the State commission to fix the proper rate. Now, the amendment offered by the gentleman from Texas [Mr. Jones] is not germane to anything in this part of the bill and is not germane to the bill since the amendment was adopted day before yesterday by the committee.

Mr. JONES of Texas. Mr. Chairman, I want to say, in answer to that, that while the Interstate Commerce Commission is not given specific authority to fix an intrastate rate, it is given specific authority to authorize a change in the rate, and they did in effect fix a rate in the Shreveport case. They entered an order that the Texas railroads should file a new schedule of rates so that outbound rates should be no less than inbound rates, the effect of which was to fix outbound rates the same as inbound rates, and they do have authority under the provisions of this act to make findings as to rates. They can not only set aside the rate that is provided by the State commission, but they can go further and authorize a rate which will not be, according to their judgment, an undue preference. In effect they can fix the rates.

Mr. ESCH. Mr. Chairman, the amendment that was voted down on Saturday was an amendment which gave the Interstate Commerce Commission power over all rates over which it had jurisdiction. That would include intrastate rates as involved in this section, and the greater contains the less.

Mr. JONES of Texas. But we had not reached this section then, and this section enlarges the commission's jurisdiction.

The CHAIRMAN. The section under consideration is section 415 of the bill, which is to amend section 13 of the commerce act. Section 13 of the commerce act deals with complaints and investigation of complaints, and the issuance of orders by the Interstate Commerce Commission as a result of its investigation. This is offered as an amendment to paragraph (4) of the section, which paragraph gives the commission authority to make such findings and orders as may tend to remove undue advantage, preference, or prejudice between persons or localities in intrastate commerce on the one hand and interstate and foreign commerce on the other hand, or any undue burden upon interstate and foreign commerce, which is forbidden and declared to be unlawful, and it further provides that such findings and orders shall be observed while in effect by the carriers parties to such proceedings affected thereby, the law of any State or the decision or order of any State authority to the contrary notwithstanding.

The amendment proposed by the gentleman from Texas is a proviso to the effect that the authority given in paragraph (4) particularly and the section of the bill shall not be construed to empower the commission to change any such intrastate rates by substituting a greater compensation in the aggregate for the transportation of passengers, and so forth, for the shorter than for a longer distance over the same line in the same direction.

The Chair is of opinion that this is a restriction placed upon the Interstate Commerce Commission in making its findings, namely, that after it has investigated and had these joint hearings with the State commissions or boards, and comes to make its findings, in making its finding it shall not change any intrastate rates by substituting as proposed, and the Chair overrules the point of order. The question is on the amendment offered by the gentleman from Texas.

The amendment was rejected.

Mr. EVANS of Nevada. Mr. Chairman, this will be the greatest Thanksgiving of my life—thankful for the kindly help and courtesy of Congress. Will those Members not present during Saturday's debate do me the further honor to read my remarks upon page 8581 of the RECORD?

This Congress desires to return the rails to owners, large and small, who have large and small blocks of stock in safety boxes in every county of our land. The men from whom the Government took control of the rails did not own and do not intend to own the stock. They obey the law in an antitrust meeting, voting themselves into power with proxies; thus a very small minority controls against a large unorganized majority. Absolute control and preknowledge on important action gives them certain stock-market advantage. Gentlemen of the committee, you have worked hard, with rugged honesty of purpose, and builded an imposing structure upon a decayed foundation. Of the three great interests—labor, the owners, and the public—you consider only the operators, who under false pretense call themselves owners; yet labor is recognized with innuendo—the tender-hearted and hard-handed tollers upon whom this Government in a crisis has never yet appealed in vain.

Gentlemen, when these roads are restored the bona fide owners must come before Congress and be identified. When you place the rails into competent management with the real owners, the price of those securities will naturally advance upon merit, because they are grand properties, serving a great Nation. New brains will turn liability into an asset, being the only guaranty required. There is nothing complex about railroads. One hundred per cent Americanism of the American Expeditionary Forces to replace the previous sinister mismanagement will give record service at reasonable cost.

The actual owners of rail securities look to this Congress for protection of their splendid properties by removing those pretenders from operation and placing the rails in charge of men proven capable of meeting all emergencies.

The Clerk read as follows:

Sec. 417. The first four paragraphs of section 15 of the commerce act are hereby amended to read as follows:

"Sec. 15. (1) That whenever after full hearing, upon a complaint made as provided in section 13 of this act, or after full hearing under an order for investigation and hearing made by the commission on its own initiative, either in extension of any pending complaint or without any complaint whatever, the commission shall be of opinion that any individual or joint rate, fare, or charge whatsoever demanded, charged, or collected by any common carrier or carriers subject to this act for the transportation of persons or property or for the transmission of messages as defined in the first section of this act, or that any individual or joint classification, regulation, or practice whatsoever of such carrier or carriers subject to the provisions of this act, is or will be unjust or unreasonable or unjustly discriminatory or unduly preferential or prejudicial, or otherwise in violation of any of the provisions of this act, the commission is hereby authorized and empowered to determine and prescribe what will be the just and reasonable individual or joint rate, fare, or charge, or rates, fares, or charges, to be thereafter observed in such case, or the maximum or minimum, or maximum and minimum, to be charged, and what individual or joint classification, regulation, or practice is or will be just, fair, and reasonable, to be thereafter followed, and to make an order that the carrier or carriers shall cease and desist from such violation to the extent to which the commission finds that the same does or will exist, and shall not thereafter publish, demand, or collect any rate, fare, or charge for such transportation or transmission other than the rate, fare, or charge so prescribed, or in excess of the maximum or less than the minimum so prescribed, as the case may be, and shall adopt the classification and shall conform to and observe the regulation or practice so prescribed. The commission shall be charged with the duty and responsibility of observing and keeping informed as to the transportation needs and the transportation facilities and service of the country, and as to the operating revenues necessary to the adequacy and efficiency of such transportation facilities and service. In reaching its conclusions as to the justness and reasonableness of any rate, fare, charge, classification, regulation, or practice, the commission shall take into consideration the interest of the public, the shippers, the reasonable cost of maintenance and operation (including the wages of labor, depreciation, and taxes), and a fair return upon the value of the property used or held for the service of transportation.

"(2) Except as otherwise provided in this act, all orders of the commission, other than orders for the payment of money, shall take effect within such reasonable time, not less than 30 days, and shall continue in force until its further order, or for a specified period of time, according as shall be prescribed in the order, unless the same shall be suspended or modified or set aside by the commission or be suspended or set aside by a court of competent jurisdiction.

"(3) Whenever, after full hearing upon complaint or upon its own initiative, the commission is of opinion that the divisions of joint rates, fares, or charges, applicable to the transportation of passengers or property, are or will be unjust, unreasonable, or unduly preferential or prejudicial as between the carriers parties thereto (whether agreed upon by such carriers, or any of them, or otherwise established), the commission shall by order prescribe the just and reasonable divisions thereof to be received by the several carriers, and in cases where the joint rate, fare, or charge was established pursuant to a finding or order of the commission and the divisions thereof are found by it to have been unjust, unreasonable, or unduly preferential or prejudicial, the commission may also by order determine what (for the period subsequent to the filing of the complaint or petition or the making of the order of investigation) would have been the just and reasonable divisions thereof to be received by the several carriers, and require adjustment to be made in accordance therewith. The commission may also, after full hearing upon complaint or upon its own initiative, establish through routes, joint classification, and joint rates, fares, or charges, applicable to the transportation of passengers or property, or the maxima or minima, or maxima and minima, to be charged, and the divisions of such rates, fares, or charges as hereinbefore provided, and the terms and conditions under which such through routes shall be operated; and this provision shall apply when one of the carriers is a water line. The commission shall not, however, establish any through route, classification, or rate between street electric passenger railways not engaged in the general business of transporting freight in addition to their passenger and express business and railroads of a different character; nor shall the commission have the right to establish any route, classification, rate, fare, or charge when the transportation is wholly by water, and any transportation by water affected by this act shall be subject to the laws and regulations applicable to transportation by water. And in establishing such through route the commission shall not, except as provided in section 3, require any carrier by railroad, without its consent, to embrace in such route substantially less than the entire length of its railroad and of any intermediate railroad operated in conjunction and under a common management or control therewith, which lies between the termini of such proposed through route, unless such inclusion of lines would make the through route unreasonably long as compared with another practicable through route which could otherwise be established. Provided, That in time of shortage of equipment, congestion of traffic, or other emergency declared by the commission it may (either upon complaint or upon its own initiative without complaint, at once, if it so orders, without answer or other formal pleadings by the interested carrier or carriers, and with or without notice, hearing, or the

making or filing of a report, according as the commission may determine) establish temporarily such through routes as, in its opinion, are necessary or desirable in the public interest.

"(4) Whenever there shall be filed with the commission any schedule stating a new individual or joint rate, fare, or charge, or any new individual or joint classification, or any new individual or joint regulation or practice affecting any rate, fare, or charge, the commission shall have, and it is hereby given, authority, either upon complaint or upon its own initiative without complaint, at once, and if it so orders without answer or other formal pleading by the interested carrier or carriers, but upon reasonable notice to enter upon a hearing concerning the lawfulness of such rate, fare, charge, classification, regulation, or practice; and pending such hearing and the decision thereon the commission, upon filing with such schedule and delivering to the carrier or carriers affected thereby a statement in writing of its reasons for such suspension, may suspend the operation of such schedule and defer the use of such rate, fare, charge, classification, regulation, or practice, but not for a longer period than 120 days beyond the time when it would otherwise go into effect; and after full hearing, whether completed before or after the rate, fare, charge, classification, regulation, or practice goes into effect, the commission may make such order with reference thereto as would be proper in a proceeding initiated after it had become effective. If any such hearing can not be concluded within the period of suspension, as above stated, the proposed change of rate, fare, charge, classification, regulation, or practice shall go into effect at the end of such period, but, in case of a proposed increased rate or charge for or in respect to the transportation of property, the commission may by order require the interested carrier or carriers to keep accurate account in detail of all amounts received by reason of such increase, specifying by whom and in whose behalf such amounts are paid, and upon completion of the hearing and decision may by further order require the interested carrier or carriers to refund, with interest, to the persons in whose behalf such amounts were paid such portion of such increased rates or charges as by its decision shall be found not justified. At any hearing involving a rate, fare, or charge increased after January 1, 1910, or of a rate, fare, or charge sought to be increased after the passage of this act, the burden of proof to show that the increased rate, fare, or charge, or proposed increased rate, fare, or charge, is just and reasonable shall be upon the common carrier, and the commission shall give to the hearing and decision of such questions preference over all other questions pending before it and decide the same as speedily as possible."

Mr. ESCH. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by the committee: Page 67, line 21, after the word "length," insert a comma.

The amendment was agreed to.

Mr. BARKLEY. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 65, line 9, after the word "prescribed," strike out the remainder of paragraph (1).

Mr. BARKLEY. Mr. Chairman, before I proceed with my argument, I desire to propound a parliamentary inquiry. In the event that this amendment is rejected, which strikes out what we know as the rule of rate making, fixed by the full committee in this bill, and the language remains in the bill, will it then be in order to amend the language as left in the bill?

The CHAIRMAN. It would be in order.

Mr. BARKLEY. Mr. Chairman, I hope that this language will be stricken out of the bill, and if it should not be it is my purpose to offer an amendment which will certainly give the commission greater discretion than it has under this language in the matter of fixing rates. Heretofore, for 30 years, ever since the establishment of the Interstate Commerce Commission, the rule of rate making has been that all rates, fares, charges, classifications, and regulations shall be just and reasonable. On page 42 of the bill you will find that that same language is used. I read from page 42, paragraph (5):

(5) All charges made for any service rendered or to be rendered in the transportation of passengers or property or in the transmission of intelligence by wire or wireless, as aforesaid, or in connection therewith, shall be just and reasonable, and every unjust and unreasonable charge for such service or any part thereof is prohibited and declared to be unlawful.

Under that language of the present law, in the act to regulate commerce, the Interstate Commerce Commission has built up a line of decisions, based upon the language which has been in the statute for the past 30 years, and also based on that language the Supreme Court has in a long line of decisions interpreted what was to be considered and might be considered in determining what is a just and reasonable rate. Heretofore Congress has never attempted to prescribe the power of the Interstate Commerce Commission in considering what would be a fair, just, and reasonable rate.

Mr. PARKER. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. PARKER. Has the Supreme Court ever determined what a just and reasonable rate is? Have they not always determined what is a confiscatory rate?

Mr. BARKLEY. The Supreme Court has not determined what is a just and reasonable rate, because they have left that discretion to the Interstate Commerce Commission, where Congress put it, and only in cases where the rate was confiscatory has the Supreme Court nullified the rate; but they have not at-

tempted in these decisions to say what would be a reasonable and just rate.

Mr. PARKER. They never assumed that power.

Mr. BARKLEY. They have not the power to render any such decision.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. TOWNER. I am in entire sympathy with the gentleman's amendment, but I suggest that he has commenced a sentence too soon. To commence with the sentence on line 9 does not effect the proposition the gentleman is asking. He only suggests what the commission might do, but I prepared an amendment to strike out the succeeding sentence, which goes directly to the things that the commission may consider.

Mr. BARKLEY. I understand that, but this whole language was put in as an amendment by the full committee. It was not in the bill as originally drawn.

Mr. TOWNER. I would suggest to the gentleman that in order to reach the very proposition that he has in mind he modify his amendment so as to strike out the succeeding sentence, commencing at "in," in line 14. That would be exactly what he wishes.

Mr. BARKLEY. I understand that, but does the gentleman from Iowa think that the Interstate Commerce Commission ought to be affirmatively charged by Congress with the duty of surveying the whole transportation situation and with a view to ascertaining how much revenues the roads might need? That language was taken from a bill in another body which creates a transportation board and charges that board with the duty which the language referred to here seeks to impose on the commission.

Mr. TOWNER. I will say to the gentleman I do not care, it is absolutely immaterial to me; but when it comes to the question of determining the proposition, then what may be considered by them in determining is vital; that is the only thing.

Mr. BARKLEY. I will say to the gentleman the reason I offered the motion to strike out this entire language, which includes the language which fixes the rule of rate making, is that the Interstate Commerce Commission is now burdened with sufficient duties, in my opinion, and we ought not to place upon their shoulders the responsibility of saying what this language does. It says the commission shall be charged with the duty and responsibility of observing and keeping informed as to the transportation needs and the transportation facilities and service of the country and as to the operating revenues necessary to the adequacy and efficiency of such transportation facilities and service. Now, if the House wants to put the burden on them of the investigation of keeping thus informed as to the needs of the railroads in reference to revenues, I have no particular objection to it, but I can not understand why the Interstate Commerce Commission ought to be burdened with the duty of making a survey of the revenues necessary for their operation unless it is to be used in connection with the following sentence, which says that in fixing the rates and in passing upon the justness and reasonableness of the rates they must take into consideration a fair return upon the value of their property.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. BARKLEY. I yield, but I have very little time.

Mr. SANDERS of Indiana. I will ask that the gentleman have more time.

Mr. BARKLEY. I will yield to the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARKLEY. I ask unanimous consent that I be permitted to speak for 10 minutes additional.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears none.

Mr. BARKLEY. I yield to the gentleman from Indiana.

Mr. SANDERS of Indiana. Now, this part of the paragraph which is sought to be stricken out by the gentleman's motion deals with the question of rate making?

Mr. BARKLEY. Yes.

Mr. SANDERS of Indiana. I would like to have the gentleman's opinion upon this question: Is there anything included in the rule of rate making which the gentleman thinks ought not to be taken into consideration by the commission?

Mr. BARKLEY. I will answer that by saying there is nothing in the language here that is not now taken into consideration by the commission in making rates, and therefore it follows, of course, there is nothing that ought not to be considered, but here is the serious objection: They do that already, but in addition to that they take into consideration perhaps dozens, scores, and hundreds of other things that enter into the question of reasonableness and justness of rates.

Mr. MONTAGUE. Will my colleague permit a question at that point?

Mr. BARKLEY. I will.

Mr. MONTAGUE. Is there anything in this statute or bill that precludes the commission from taking into consideration the dozens, scores, and hundreds of other things which the gentleman from Kentucky mentions?

Mr. BARKLEY. That is one of the objections that I have to the use of this language. Heretofore the Interstate Commerce Commission had the right to consider not only the question of cost and labor and material, which they do consider—there has never been but one case that has ever gone to the Supreme Court, or even to the commission itself, where they did not consider the matter of the cost of the material and cost of labor, and that was the famous import case, where it was not involved.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. BARKLEY. For a short question. I will yield to the gentleman.

Mr. SANDERS of Indiana. That is all right; I do not care to interfere with the gentleman's argument.

Mr. BARKLEY. By mentioning only a few things the Interstate Commerce Commission has heretofore considered, and which under the law and under the Supreme Court decisions they have the right to consider, we incur the danger by implication of excluding all these other things they have considered, and one of those things which they ought to consider is the question of whether the road is economically and efficiently managed. We may exclude that consideration by merely mentioning the fact they are entitled to a fair return upon the value of the property and in mentioning specifically in the statute certain things the Interstate Commerce Commission must consider we may run the risk, or incur danger, as I believe we do, by implication at least, of excluding all the other dozens, scores, and hundreds of things that enter into the question of whether the rate is reasonable and just. Now, it is held and has been decided in the famous case of Smythe against Ames, by the United States Supreme Court, that while it is true that the Interstate Commerce Commission may consider whether a rate fixed by the commission upon roads will bring a fair return upon the value of the property, the right of the road to a fair return is subject to the right of the public to have reasonable and just rates.

Mr. MADDEN. Will the gentleman yield?

Mr. BARKLEY. I will yield to the gentleman for a question.

Mr. MADDEN. I was going to ask the gentleman if he does not think that, on line 17, page 65, the words "among other things the commission shall take into consideration," will obviate the necessity of offering the amendment?

Mr. BARKLEY. No, I do not. In the first place, I am fundamentally against fixing an iron-clad statutory rule of rate making.

Mr. MADDEN. And so am I—

Mr. BARKLEY. If this amendment of mine to strike out the language is defeated, then I propose to offer an amendment which will give the Interstate Commerce Commission the power to take into consideration something else besides what they are given the power to consider here.

Mr. MADDEN. The suggestion that I made will do that.

Mr. BARKLEY. That will help some, but it does not go far enough. This language in this section, in my opinion, goes further to give justification to the charge that has been made that it legalizes and recognizes a lot of watered stock that is now in the railroads of the country than any other provision in the bill.

In the first place, what would be the standard of valuation which the commission might consider in fixing a fair return or allowing a fair return to be fixed on the value of the property? We have authorized the Interstate Commerce Commission to enter upon a valuation of the property. According to the testimony of the commission, it will be about three years before that valuation has been completed. In the meantime, what is to be the standard of the valuation fixed by the commission or anybody else to fix rates that will bring a fair return? The only valuation that the commission could consider, I fear, would be the valuation that is presented to them by the railroads in their reports, or the book value, fixed by the railroads themselves.

Mr. REED of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. REED of West Virginia. Will the gentleman give us his opinion as to what effect this will have upon the moneyed men in the country, the men who build railroads? We have many parts of the country that need new railroads, and they will not be built unless the capital is sufficiently protected to give the men with capital the assurance that their investments will be safe.

Mr. BARKLEY. Oh, we have many men in this country who want to invest their money in other enterprises as well as railroads, and I do not feel that the Government of the United States should say between classes of investors that one class is to be guaranteed a fair return upon the investment it makes upon some railroad, while other men who take their money in their hands in the same way take their chances and invest in other enterprises that may be just as useful and necessary as investments in railroads.

Under this rule the rate making, as fixed by this bill, if it becomes a law, every railroad in the United States which in the past has failed to yield dividends to its stockholders will be authorized to come in and demand a rate that will enable those stockholders to receive a dividend. We know that there are many railroads in the United States that have not made anything on their investment.

Mr. MERRITT. Mr. Chairman, will the gentleman yield there?

Mr. BARKLEY. No; I can not yield. The gentleman from Connecticut says that is ridiculous. The owners of these railroads are not the presidents and vice presidents and other officials who draw large salaries, but the owners are the stockholders, the men who have invested their money in the purchase of stock, and a fair return from these railroads means dividends on the value of their holdings.

Mr. MERRITT. Does the gentleman see anything in the bill that says that there shall be a fair return on the stock of any of the railroads?

Mr. BARKLEY. It says the value of property, and the value of the property is supposed to be represented by the stock. If there is any value in the property, there is value in the stock.

Mr. MERRITT. But there is no value in the stock.

Mr. BARKLEY. Oh, the reason why there is no value in the stock may be that many of the railroads have been badly managed and badly handled, and extravagantly handled, and they have not earned anything on the value of the property. But this would enable every railroad that in the past has not earned anything to say to the commission that the commission shall consider the question of a fair return, and fix what they consider a fair return on the value of the property; and if the commission shall have the jurisdiction and discretion as to what weight they will give to that return, the railroads would reply by pointing to this language, never before put into an interstate commerce act, and say the intention was to force the commission to fix such rates as would produce what they would call a fair return in the case of railroads which in the past have never brought a fair return or any other return sufficient to pay the operating expenses of the roads, many of which were not entitled to a return, because not efficiently or economically operated.

Gentlemen, we do not want, as has been charged in the debates on this bill, to give to the owners of roads that have been inefficiently and uneconomically administered in the past the right to come before the commission and say, "By reason of this language you are compelled to fix a rate that will bring in a fair return."

Mr. MERRITT. I will say to the gentleman, inasmuch as he had a colloquy with me, that I agree with him fully on that. They can not do it under this bill.

Mr. PARKER. Mr. Chairman, in my time I want to ask the gentleman from Kentucky [Mr. BARKLEY] a question. The gentleman from Kentucky was talking about the value of the roads. I think he admitted earlier in his statement that now a return on the money invested was considered by the Interstate Commerce Commission. Does not the gentleman concede that to be a fact?

Mr. BARKLEY. I concede that the Supreme Court has decided that the commission has the right to consider the question of a fair return, but in addition to that—

Mr. PARKER. As a matter of practical operation, does not the gentleman concede that the commission now takes into consideration the fair return on the valuation, as a matter of practical experience?

Mr. BARKLEY. They do, but in addition to that—

Mr. PARKER. I do not say that is the only thing, but—

Mr. BARKLEY. The Supreme Court has also held that they have a right to consider the question of their location, the question as to the advisability of construction, the volume of trade, and a hundred other things that enter into the question of whether a rate is reasonable and just.

Mr. PARKER. But this item as to the question of the valuation is taken into consideration. They can take the valuation into consideration under these rules of rate making that are in this bill.

Mr. BARKLEY. Where is the necessity or the advisability of inserting it here, when a fair return is already considered, and leaving out everything else?

Mr. PARKER. You have taken into consideration the interest of the public, and the interest of the shippers, and the wages of the employees, and the cost of maintenance, and all those things. I do not think you can fairly say that the only thing considered is the question of a fair return. But at all events the gentleman himself admitted in his statement that all these things were taken into consideration. Then, why not stand up here and say so, and make it obligatory and compulsory, if you please, that it shall be considered?

Mr. BARKLEY. Does the gentleman want me to answer?

Mr. PARKER. Yes.

Mr. BARKLEY. The reason why I object to it is because you single out four items out of perhaps a hundred items and say that the commission shall consider those four things without mentioning the others.

Mr. PARKER. Mr. Chairman, as far as I am concerned, being one of the members of the committee who voted against the subcommittee, I am perfectly willing to put in the clause suggested by the gentleman from Illinois [Mr. MADDEN], among other things. I suggested that in the committee, if you will remember. I am perfectly willing to put that in; but I honestly believe these things should be considered, and the commission themselves, as Commissioner Clark testified, wanted a rule of rate making.

Mr. BARKLEY. Will the gentleman yield there?

Mr. PARKER. Yes.

Mr. BARKLEY. No matter how much you amend it, under this principle the very smallest class rate coming before the commission would have to be investigated as to its bearing upon the question of a fair return upon the value of the property. It might be an insignificant thing, and yet under this language the commission is compelled to consider its relation to a fair return upon the value of the property, and it would make no difference whether it was a commodity rate, or a class rate, or a differential rate, one among the thousands that come before the commission, no matter how small it might be, the commission would have to take into consideration the question of a fair return, and it might be impossible to figure out the economic bearing of any particular rate upon the question of a fair return.

Mr. PARKER. At the same time you would have to take into consideration every other item that is mentioned, and they certainly do all enter in. For instance, you read in the morning paper that wages had been increased by over \$3,000,000 a month.

Mr. BARKLEY. Yes.

Mr. PARKER. That certainly is going to be taken into consideration.

Mr. BARKLEY. The commission have taken it into consideration already.

Mr. PARKER. All right, then; why should we not come out and say, man fashion, that the interests of the people who own the railroads should be given their fair consideration? They are not owned by the president of the road or by Wall Street, but they are owned by the people. I do not say it is paramount, but we certainly are not free to stand up here and say that the man who owns a railroad bond or shares of stock is not entitled to his day in court as much as the shipper. He is entitled to no more, but he is entitled to a fair, square deal, and that is why the majority of the committee asked to have this provision put into this bill over the heads, it is true, of the subcommittee. We simply asked that you recognize the fact that the men who own the stock and own the bonds have a right to be considered.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PARKER. I ask unanimous consent that I may have five minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent that his time be extended five minutes. Is there objection?

Mr. SNYDER. Reserving the right to object, the gentleman from New York has had his five minutes, and he allowed the gentleman from Kentucky [Mr. BARKLEY] to use the whole five minutes for him. I am willing to submit to requests for time, but I think we have had oratory enough on this bill, and if we want to finish it to-night the debate ought to be confined to the amount of time to which a man is entitled, and I therefore serve notice now that I will object to the next request of this kind.

Mr. RAYBURN. Reserving the right to object, I hope the gentleman from New York [Mr. SNYDER] will not pursue that course with reference to this amendment, because this is the one very much controverted amendment that remains in the bill,

and the committee themselves are practically evenly divided upon it. I hope liberal time will be allowed.

Mr. SNYDER. I recognize that it is of extreme importance, but I do not think it is necessary to consume so much time for each individual. If a man has got something to say, and will direct his attention entirely to the section, I am willing to listen; but I think we ought to confine ourselves strictly to the business in hand.

The CHAIRMAN. The gentleman from New York asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. PARKER. My object in discussing this measure with the gentleman from Kentucky was simply and solely so that the membership of the House could get his viewpoint and the viewpoint of the majority of the committee.

Mr. BARKLEY. Will the gentleman yield for a question, with the permission of the gentleman from New York?

Mr. PARKER. Certainly.

Mr. BARKLEY. I would like to ask the gentleman if the elimination of this language takes away from the railroads any right that they now have before the Interstate Commerce Commission?

Mr. PARKER. I want to be perfectly frank with the gentleman. I do not think it does.

Mr. BARKLEY. Why is it necessary to specify a few things that the commission can consider in behalf of the railroads and eliminate all the other things which the public are entitled to have considered?

Mr. PARKER. I do not think that question is quite fair. I do not mean to accuse the gentleman of being unfair.

Mr. BARKLEY. I understand.

Mr. PARKER. But when you say "the railroads" it carries the idea of the management.

Mr. BARKLEY. No; I mean the owners of the railroads.

Mr. PARKER. I am trying to see, if I can, that there is written into this bill some provision that will at least give the owners of these roads an opportunity to have their day in court. I fully agree with the gentleman from Kentucky that all of this is now being considered by the Interstate Commerce Commission. I do not think that as a matter of practical rate making this is going to make any difference, and I do not believe it will have any different effect in the establishment of rates hereafter as fixed by the commission, because the commission has realized and recognized that the owners of the roads are entitled to consideration. Let me read to you what Commissioner Clark said about this very thing in the hearing before the Committee on Interstate and Foreign Commerce. The gentleman from Indiana [Mr. SANDERS] asked this very question:

Do you think there should be a standard fixed by Congress as a matter of public policy?

Commissioner Clark answered:

I think in the light of recent events and present conditions it would be a desirable thing.

I am reading from the record of Commissioner Clark's testimony.

You all know, gentlemen, that the history of the Interstate Commerce Commission has not been one that has been noted for its liberality to the railroads, to the investment public, but here is what Commissioner Clark says about that:

It is in the public interest that the carriers should be permitted to earn a reasonable return on the value of the property they devote to the public use.

That is the statement in the testimony of Commissioner Clark. We had a controversy the other day over a resolution from the Senate, and I want to quote a little of what ex-Speaker CLARK so wisely said in his speech before the House. He said:

There are three parties to the controversy—the capitalists, the labor unions, and the consumer. I will tell you something that most people do not seem to think about.

And so forth.

He concludes by saying:

Capital is entitled to a fair return on its investment, and the consumer is entitled to be justly treated and not to be gouged or imposed upon by either side.

That is a quotation from a speech made by the gentleman from Missouri the other day. What I would like to see written in this bill is a provision whereby the men who own the roads will be fairly treated at least—no more, no less.

Mr. ESCH. Mr. Chairman, I ask unanimous consent that all debate on the rate-making paragraph be limited to 1 hour and 20 minutes. That is paragraph 1, and one half of the time be controlled by the gentleman from Kentucky [Mr. BARKLEY] and the other half by the gentleman from New York [Mr. PARKER].

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that all debate close in 1 hour and 20 minutes, one half of the time to be controlled by the gentleman from Kentucky [Mr. BARKLEY] and the other half by the gentleman from New York [Mr. PARKER]. Is there objection?

Mr. SIMS. Mr. Chairman, I want an understanding of what the gentleman from Wisconsin asked for.

Mr. ESCH. It is on the rate-making paragraph.

Mr. SIMS. It is the paragraph which includes the Webster amendment. A motion has been made to strike out the Webster amendment.

Mr. ESCH. Paragraph 1, section 15, on pages 64 and 65.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. SIMS. The motion is only to strike out the Webster amendment.

The CHAIRMAN. Is there objection?

Mr. SMALL. Reserving the right to object, the limitation only applies to paragraph 1.

Mr. ESCH. Yes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARKLEY. Mr. Chairman, I yield five minutes to the gentleman from Louisiana [Mr. SANDERS].

Mr. SANDERS of Louisiana. Mr. Chairman, the question I propose to address myself to is the amendment offered by the gentleman from Kentucky [Mr. BARKLEY], which strikes out the so-called Webster amendment. This amendment can be found on page 65, beginning on line 9 and running down to and including line 21. This portion of the bill undertakes to establish a rule for rate making. It not only undertakes to establish that kind of a rule but it establishes it, Mr. Chairman and gentlemen of the committee, in a manner and mode that is going to unduly tax the people of this country to sustain roads that are not efficiently, economically, or even honestly managed.

There is or ought to be but one rule of rate making, and that is the rule that the Interstate Commerce Commission has laid down, and a rule with a long line of decisions the court has maintained. The present law is sufficient for all purposes. If you change the present law by adopting this last sentence in the paragraph 1, found on page 65, you have written in the bill that in arriving at the rate to be charged for freight the value of the road must be taken into consideration and a fair return allowed thereon.

Gentlemen, we get at once into a maze of uncertainty, we proceed to sail an uncharted sea. We proceed by this amendment to set up new rules and regulations for the Interstate Commerce Commission to follow, and we are not doing it for the advantage of the shipper; it is not being placed here for the advantage of the consumer; it is simply and solely to take care of roads which can not and do not take care of themselves. There is no excuse that I can see for this provision.

Mr. PARKER. Mr. Chairman, I wish the gentleman would point out where it comes in.

Mr. SANDERS of Louisiana. I will point the gentleman to the so-called Webster amendment, beginning in line 9 and running down to and including line 21.

Mr. PARKER. Yes.

Mr. SANDERS of Louisiana. There is not a thought or an idea in the amendment which does not lead up to and mean just exactly what I have said. Of course, it is placed in there for that purpose. It could have been placed in the bill for no other purpose.

Mr. PARKER. What is that purpose?

Mr. SANDERS of Louisiana. The purpose is to make a fair return upon the value of the property, irrespective of how the value is arrived at. It does not state who shall be the judge of the value. A fair return must be made upon it, whether that value had been established by honest management or dishonest management, whether it has been arrived at by economical management or a wasteful management, whether the value has been arrived at by efficiency and competency or the reverse.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. PARKER. Mr. Chairman, I yield 15 minutes to the gentleman from Virginia [Mr. MONTAGUE].

Mr. MONTAGUE. Mr. Chairman, I view the amendment as much ado about nothing. It is conceded that there is nothing here prescribed for consideration in making the rule but what is now the law and is followed by the Interstate Commerce Commission. I have no objection to the words "among other things," because obviously that is what the language now means. The language in the bill is not conclusive or exclusive of the consideration by the commission of any other fact, matter, or principle in fixing a rate. In other words, the language is directory, not

mandatory. It does not exclude other things; it simply says that the commission shall consider these things, but there is nothing in the language requiring the commission to apportion in its findings the elements enumerated.

The gentleman from Louisiana [Mr. SANDERS] seems to be more concerned about "fair return" than any other language. The Supreme Court of the United States in the case of *Smith v. Ames* (169 U. S. Repts.) has distinctly said that in making a rate, the body that fixes the rate or the toll shall consider a "fair return" upon the value of the property. There is nothing here requiring the commission to fix a rate upon fraudulent or watered or valueless property. The legal assumption is that the commission will do its duty, and fix a fair and just value and return. Gentlemen say the commission does this now; therefore, why put it in the statute? The reverse argument is equally tenable. If the commission does it now, why not put it into the statute? Why have your laws hidden from the people? Why should one be an expert to find out what is the rule of rate making by construction and interpretation of the decisions of the commission and the courts? Why revert to the old rule that once obtained in Athens, where the laws were admirable, but they were hung so high on the walls that the people could not read them? Why not put your laws within reach of the ordinary investor? Why not let him read the law of the land?

There is nothing in this bill that gives any undue encouragement to the investment of capital in railroads. There are sections of America that sadly need additional railroads and railroad facilities. Let me read a statement from the records of the Interstate Commerce Commission. The country is divided in this statement into three districts—the western, the eastern, the southern—and the number of miles of railroads per hundred square miles of territory in these several districts is as follows:

In the southern district there are 11.084 miles of railroad for every 100 square miles of territory; in the western district, 6.236 miles of railroad for every 100 square miles of territory; and in the eastern district, 19.139 miles for every 100 square miles of territory.

The western district, which has the smallest mileage, includes the States of Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming. In that territory or area there are only 6 miles of railroad for every 100 square miles of territory.

The southern district comprises the States of Alabama, Colorado, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, and in them are 11 miles for every 100 square miles of territory.

In the eastern district are comprised the States of Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, and Pennsylvania, and in that district are 19 miles of railroad to every 100 square miles of territory.

Mr. BROOKS of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MONTAGUE. Yes.

Mr. BROOKS of Pennsylvania. I would like to know whether you have the figures in respect to the relative population in those districts?

Mr. MONTAGUE. I have not. I am simply bringing these facts in a broad way to the attention of the committee, so that they may realize that there is a great necessity for the development of new railroads, and that we should not unnecessarily shut the doors against investors who wish to enter such a field.

That my language may not be misunderstood in referring to the case alluded to a while ago, I desire to read its syllabus, because it will save reading detached portions from the opinion:

It may not fix its rates solely to its own interest and ignore the rights of the public, but the rights of the public would be ignored if rates for transportation of persons or property on a railroad were exacted without reference to the fair value of the property used for the public or of the services rendered.

Therefore I submit as beyond question that the rule prescribed in the bill for fixing rates falls clearly within this adjudication so far as it affects a return upon the fair value of the property of the carrier.

Mr. Chairman, I wish to observe that there were practically no railroads built for some time before this war broke out. There was little or no railroad development comparatively in America. Now, something will have to be done to encourage such investments or we are heading toward governmental railroad ownership. I do not desire now to discuss that question save to suggest that unless we now wisely avert this catastrophe it will perplex this and other Congresses for years to come.

Under Government ownership rates will be a political question in every campaign in this country. The establishment of a depot or union station will be a political question. We may perhaps pass beyond all the judicial restrictions that we have followed all of these years. The great safeguard of the country is to be found in the courts for whatever rates are made, their justness and reasonableness are in the final analysis to be determined by the courts of the land. In other words, it is distinctively a judicial question and not a legislative question; that is to say, the legislature has the right to make the rates, but the courts have the right to determine whether those rates are reasonable and just, whether confiscatory either of the property of the roads or of the shipper. The courts will protect each alike.

I can not shut out of mind one other question, and that is the increase in number and power of Federal officials. Under governmental control we have had an increased number of officials and employees. We have increased under the present control over 140,000, I understand.

Mr. BARKLEY. Will the gentleman yield?

Mr. MONTAGUE. I do.

Mr. BARKLEY. Will my colleague yield for just this suggestion, that not all of its increase was due to Government control, but through the operation of the eight-hour law to a very large extent?

Mr. MONTAGUE. I am not undertaking now to assign or apportion the cause of that increase, I am simply suggesting the increase. The thought in my mind is this, that we are not going to decrease or diminish this increase by Government ownership and control. We will then steadily increase until we reach that unhappy political and economical state when the office-holding class will be larger than the residue of the electorate. That is a great question that confronts the American people, whether by legislation or whether by what Theodore Roosevelt called "secret and hidden government" we may not have an electorate of official employees that will overcome the residue of the American voters. If we have such a system, we have taken the pathway that leads from progressive government, and we have reverted to forms of governments that have tried and failed in other peoples and ages. A representative form of democracy was a new path in the history of governments.

Now, I submit we ought not to extend politics into every form or activity of American economic and business life. [Applause.] If we are to adopt Government ownership, let us do so under clear necessity.

Mr. CARAWAY. Will the gentleman yield? I do not care to interrupt the gentleman.

Mr. MONTAGUE. I will yield.

Mr. CARAWAY. I want to ask the gentleman from Virginia this question: As I understand, the question was whether we should say "among other things" that we consider. Now, is not the rule that if you enumerate certain duties and obligations, you by that very rule exclude all those not mentioned? If the gentleman will pardon me, I am afraid if the language now written in the bill shall be retained—

Mr. MONTAGUE. I am perfectly willing to accept the words "among other things," I will say to the gentleman. And I understand that other gentlemen of the committee will gladly accept the words, as they believe this language bears no other construction. If it were said these elements shall determine and conclude rate making, there would be weight in the gentleman's suggestion, but when they are only elements or matters for consideration in rate making, I do not think the suggestion comes within the rule stated by the gentleman from Arkansas.

Mr. CARAWAY. May I ask the gentleman this: What do you mean by "shall be considered" if you do not mean that establishes the rule by which they shall be governed?

Mr. MONTAGUE. The commission is to determine how far those various considerations enter into its final conclusion. These elements are not conclusive or exhaustive; they need not be severally identified, assessed, or apportioned; they are among the elements or matters to be considered, and the Supreme Court and justice and common sense have so declared. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARKLEY. Mr. Chairman, I yield eight minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Chairman and gentlemen of the committee, section 15 lays down in clear and explicit terms the rule that shall govern the commission regarding the classification of freights and in the fixing of rates. It says that whenever after full hearing the commission shall be of opinion that any individual or joint rate, fare, or charge whatsoever demanded, charged, or collected by any common carrier or carriers subject to this act, or that an individual or joint classification, regu-

lation, or practice, whatsoever by such carrier or carriers subject to the provisions of this act is or will be unjust or unreasonable or unjustly discriminatory or unduly preferential or prejudicial or otherwise in violation of any provision of this act, the commission is hereby authorized and empowered to determine and prescribe what will be a just and reasonable individual or joint rate, fare, or charge, or rate, fare, or charge, to be thereafter observed in such case.

I am reading that completely so that gentlemen shall understand that this rule is fully and completely stated. Nothing that could be afterwards said as to what shall be considered by the commission can be anything except a limitation upon the power thus granted. To put a limitation upon the language in any manner hurts the railroads, and it hurts the shippers and it hurts the public, because it is necessary in any case that the commission have all the matters which may effect reasonableness and justness before them. Now, we come to the language of page 65, which says that in reaching its conclusions as to the justness and reasonableness of the rate, fare, or charge certain things shall be taken into consideration by the commission.

The unfortunate thing about that matter is that whenever you place in a statute a classification following a general rule, it is the classification that governs, and not the general rule; and that rule has been laid down by every court in the United States without exception, including the Supreme Court of the United States. I have brought here the language of the United States Supreme Court that applies absolutely to this case, in an opinion rendered in the case of Raleigh against Reid, 13 Wallace, page 269, where the court held that—

When a statute limits a thing to be done to a particular mode, it includes a negation of any other mode.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. I regret I can not. I have not the time. The case of Stevens against Smith, 10 Wallace, page 321, holds that—

When a thing is to be done in a particular way, by necessary implication the doing of the thing in any other way is prohibited.

So, gentlemen, it is not a question of whether you want or do not want this limitation to be operative. It is operative, and the courts will so hold, and in every given case they will not be discussing whether or not it is just and fair and reasonable according to this general rule, but they will be discussing whether it falls within one of the four particular manners and things that may be considered, in the language which we seek to eliminate.

Mr. YATES. "Inclusio unius exclusio alterius."

Mr. TOWNER. Exactly. That is the old maxim of the law.

This is the proposition: Gentlemen say we ought to have these things stated in order to be fair to the roads. The gentleman from Virginia [Mr. MONTAGUE] states that these matters ought to be considered in justice and fairness to the railroads. This general rule first laid down is just as much for the benefit of the railroads as it is for the shippers, and as it is for the public. It includes and applies to everybody. Seek to limit it and you hurt everybody. Gentlemen here who are arguing for this limitation on the general rule in its application are not arguing for the railroads; they are arguing against them if they want to have a fair and just rule established in the United States. And so, gentlemen, this is a proposition which is of interest to every one. I do not think there should be a particle of question as to what the committee ought to do in justice and fairness to every one in this case. The general rule stated is a fair and just rule and has been almost unanimously approved. It should neither be abandoned nor restricted.

Mr. MONTAGUE. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN (Mr. LONGWORTH). Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. FOCHT. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Pennsylvania makes the same request. Is there objection?

There was no objection.

Mr. BARKLEY. Mr. Chairman, how does the time stand now?

The CHAIRMAN. The gentleman from New York has 25 minutes remaining and the gentleman from Kentucky has 28 minutes.

Mr. BARKLEY. Mr. Chairman, I yield three minutes to the gentleman from Nebraska [Mr. JEFFERIS].

The CHAIRMAN. The gentleman from Nebraska is recognized for three minutes.

Mr. JEFFERIS. Mr. Chairman, as I understand the language of the bill, all matters pertaining to the reasonableness or fairness of railroad rates are left to the sound judgment of the Interstate Commerce Commission. But under the language here it is made mandatory that four certain things are to be taken into consideration. In other words, it is to make it mandatory upon the commission to consider these four essential things in arriving at what is a just and reasonable rate.

Now, why should those be made mandatory and the others left entirely to the discretion of the commission as to what weight they shall have? In other words, it seems to me in the proposed bill you are limiting the power of the railway commission and compelling it to consider some things above and beyond others, and possibly to the exclusion of the others that should control in fixing a reasonable and fair rate.

For my part, I can not see why it is only discretionary for it to consider some things and mandatory to consider others; and, for my part, it seems that the amendment of the gentleman from Kentucky [Mr. BARKLEY] should be adopted by this House or else other matters should be made equally mandatory for the commission to consider in arriving at a just and reasonable rate.

Mr. PARKER. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. DENISON].

The CHAIRMAN. The gentleman from Illinois is recognized for 10 minutes.

Mr. DENISON. Mr. Chairman and gentlemen, in order that there may be no misapprehension, and that the gentleman from Iowa [Mr. TOWNER] may not have any fears, I propose at the proper time to offer an amendment inserting the words "among other things," after the word "consideration," in line 17, so that no one can contend that anyone connected with the committee is trying to limit the Interstate Commerce Commission to the consideration of a specified number of things. Like the gentleman from Virginia [Mr. MONTAGUE], I do not think it is necessary to put it in there, but I do not want anyone to have any excuse to vote against this bill on that account, and therefore I shall offer that amendment at the proper time.

Now, gentlemen of the committee, I want to make this brief statement in regard to this provision of the bill: We have led the country to believe that the consideration which the committee has been giving to the railroad question during this long summer and fall was going to result in some real constructive legislation. Now, if you strike out this provision of the bill, you are striking the heart out of it as a measure of constructive railroad legislation. If you strike it out, you are saying to the country that Congress has not the courage and the willingness to tell the Interstate Commerce Commission what to do in fixing railroad rates. You are "passing the buck" back to the Interstate Commerce Commission. That is all there is to it.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. DENISON. I am sorry, but I have not the time. I would like especially to yield to the gentleman from Kentucky, but I shall not have the time.

Now, then, the best authorities in the country upon railroads and railroad economics, representatives of the stockholders, of the security holders, of the executives, and other students of railroad economics have come before our committee and testified; and everyone that I remember has recommended that there should be some rule of rate making embodied in this legislation. Those who have opposed it have been simply the representatives of certain traffic associations. The representative of the Interstate Commerce Commission's legislative committee, Mr. Clark, recommended that Congress assume the responsibility as the wiser policy.

I think it is the most important provision in the bill. Gentlemen, if Congress intends to do anything at all to rehabilitate the railroads of this country, it had better leave this rule of rate making in the bill. The railroads of this country have been constructed and thus far maintained upon the principle that each could look after itself and ruin the others if it chose to do so; they resorted to all kinds of ruinous and unfair practices until finally Congress began to correct the evils by restraining and regulatory legislation. Congress created the Interstate Commerce Commission, and passed the commerce act. Since the Interstate Commerce Commission was created, Congress has from time to time passed various laws to put checks and restraints on them. There has never been any legislation enacted for the purpose of helping to provide the country with an adequate system of transportation. If we do not do something in this bill to help give the country an adequate system of transportation that will materially aid in the further development of transportation facilities, we shall have failed in our duty.

We start with this premise, that the country is bound to have an adequate system of transportation. We can only do this

through Government ownership and operation, or through the use of private capital and private management, one or the other. And I think that if you strike this provision for rate making out of the bill you are going to do more to bring about the necessity for Government ownership than in any other way. The time has come when Congress must do something affirmatively to see that the country has a transportation system that can live and give the people adequate service.

When a man is sick with a disease of his digestive apparatus, what he needs is a physician to prescribe for his ills, and give him advice and a good tonic, so he can remain well in the future. He does not need a surgeon to say, "Go ahead and eat anything you want to, and if it hurts you I will cut it out." Now that is what Congress has heretofore done with the railroads. That has always been the policy of the Government toward the railroads. Whenever anything was wrong, if it was claimed that a rate was unreasonable or unjust, the surgeon, the Interstate Commerce Commission, has been called in; and the commission has only been performing operations when called upon to do so to save the lives of either the railroads or the shippers. What we should do by this legislation is to help restore them to a healthy growing condition so they can furnish to the country adequate and efficient transportation.

Now, the gentleman from Kentucky [Mr. BARKLEY] is entirely wrong about the meaning of the term "a fair return on the property invested." It might be that under certain circumstances a "fair return" on the property of a railroad would not be more than enough to pay the interest on its bonds, and the stockholders would not get anything. It might be that a "fair return" on this property or that property would not be more than enough to pay operating expenses, with no interest on the bonds and no dividend on the stocks. That would be a question for the commission to determine, under all the circumstances of the particular cases. The contention that a "fair return" on the property means that the company would be allowed to earn a good healthy dividend on its stock is an unreasonable construction of this language and would not stand before any court. A "fair return" on the property means a fair return considering the condition of the road and all the circumstances connected with it. There are roads in this country that never will pay dividends on their stock and interest on their bonds, and perhaps ought not to. You could not give such roads legal rates that would enable them to do it. So the construction placed upon that provision by the gentleman from Kentucky is far-fetched and is not well taken, in my judgment. I think we ought to do something to give the railroads of the country better credit so that they can get private capital to improve them and extend them and develop the country where railroad facilities are now needed. And, gentlemen, there is not a provision in the bill that will do more to rehabilitate the railroads and give them credit so that they can get sufficient capital without having to come to the Government for it than this very provision that we are now discussing. What we are trying to do, I assume, is to get them out of the hands of the Government, and to get them out of the Treasury of the Government. That is what we are trying to do; but if you strike out this provision you are merely getting them out of the hands of the Government, while you are leaving them with their hands in the Treasury of the Government. If railroads are hereafter to be owned by private companies and financed with private capital, they have got to have credit. To strike out this provision of the bill will absolutely emasculate it as a piece of reconstructive legislation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARKLEY. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. ELLSWORTH].

Mr. ELLSWORTH. Mr. Chairman, my colleague from Illinois on the committee, Mr. DENISON, says he believes this language is for the purpose of keeping the railroads out of the Treasury of the Government. Just so. The very thing that I do not like about this bill is the fact that we establish a policy here under which in the years to come the railroads will be expected to get assistance out of the Treasury of the Government. We give them a guaranty. We provide for this refunding proposition. We provide for new loans, and seek to put aside \$250,000,000 or a quarter of a billion dollars, for new loans. We turn them back with a lot of new equipment, on which they are to pay annually an equal installment, where otherwise they would have to pay the rolling mill that furnished them the steel or to pay the companies that furnished them the equipment on delivery. This part of the bill was an amendment of the committee not brought in by the subcommittee, but it contains the kind of language that is contained in another bill in another body. Even if this were stricken out perhaps it might be in the railroad bill in its final form, and it is the very thing which I object to. It is one of the things in this railroad legislation which it seems to me shows conclusively that the Government

proposes to assume a perpetual guardianship over the railroads of this country. Now, if this is mere language, if this does not mean anything, then there is certainly no object to put it in this bill—nothing to fight for—and it ought not to be in any other bill where, if it is taken out of this one in the House, it would finally be included in the railroad legislation in its final form. The gentleman from Illinois, who preceded me, asked if we sought to escape responsibility. The thing that strikes me as the objectionable feature in this bill is that Congress assumes the responsibility not only for the present decisions of the Interstate Commerce Commission, but its prospective decisions, and Congress proposes in this bill, in page after page, to indicate what we expect the Interstate Commerce Commission to do in the future. It is true that we do not make it mandatory, and Congress would never make mandatory anything which would very materially change the decisions of any court. But we inaugurate in this bill a principle fundamentally against what Congress ought to do. We turn the railroads back to them financially better than they were before the war. I know 125 miles on the Northern Pacific Railroad in Minnesota in which 90-pound steel rails were put down after the armistice and other steel taken up which was practically as good as that. They would have to pay the rolling mills for them, but now they have the opportunity of funding it on installment basis. Two thousand six hundred box cars have stood in the yards of Chicago since last August.

Mr. PARKER. Will the gentleman yield?

Mr. ELLSWORTH. Yes.

Mr. PARKER. Does the gentleman think that the Northern Pacific is going to pay 6 per cent in order to take advantage of this?

Mr. ELLSWORTH. No; I was only speaking of that because I know the Northern Pacific will be allowed to set off and take advantage of the 10-year installment. The proposition of funding has nothing to do with new loans. Now, I propose to vote against this bill whether this language remains in the bill or not, for the whole legislation looks toward the launching of a principle of Government subsidies for railroads with an undue preference for the trunk lines and wholly in disregard of water or other possible transportation development.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. PARKER. Mr. Chairman, I yield three minutes to the gentleman from Kansas [Mr. LITTLE].

Mr. LITTLE. Mr. Chairman, the motion to strike out these lines has given opportunity for discussion of a lot of things that have nothing to do with these provisions. Here is not a question of whether something better could be done, but whether these provisions will be helpful. What is the matter with this language, with the authority given? It says:

The commission shall be charged with the duty and responsibility of observing and keeping informed as to the transportation needs—

And so on.

Why not? Somebody ought to know about it. Who would you charge with the duty of ascertaining and knowing what were the transportation needs and facilities of the country? Of course that language ought to be in—

And as to the operating revenues necessary to the adequacy and efficiency of such transportation facilities and service.

If they do not, who will? Do you mean to say that you are going to control the railroads—to set a commission over them and anybody run them without observing how they run them? To continue, it reads:

In reaching its conclusions as to the justness and reasonableness of any rate, fare, charge, classification, regulation, or practice.

Do not you want them to reach a conclusion as to the justness and reasonableness of the rates, fares, and charges? Is there anybody here that does not want a decision as to the justness of the rates? If not, why not? What would they do? If they are not given that duty, who will have it? Of course they ought to reach a conclusion as to the justness and reasonableness of the rates, fares, charges, and so forth.

In doing that they say:

The commission shall take into consideration the interests of the public.

They must take something into consideration. Why do not you tell them what it is, so that they will know about it? If you do not say it, how will they know? Why should you not put that in?

Consider the interests of the public.

Do not you want them to do that? Who else will?

And the shippers, the reasonable cost of maintenance and operation.

Is not it right to learn as to the reasonable cost of maintenance and operation? Should not they take into consideration

the reasonable cost of operation? Certainly that ought to be in there:

Including the wages of labor.

Do not you want them to take into consideration what the men shall be paid? Certainly they ought to if you are going to reach conclusions that are right and just:

And a fair return upon the value of the property used or held for the service of transportation.

Do not you want them to know about it, and do not you want the men to get a fair return on the investment? What is your objection to that? That is what the commission is going to decide. You have got to give them some authority. As the gentleman from Illinois suggested, it does not mean 6 per cent or 3 per cent or perhaps any per cent. It may be that they would lose. You might have a horse working the field that was not worth \$25, and if you got a fair return on the horse you would not get anything. It may mean that some of these roads would not be getting anything. I submit that there is not a word in there that ought not to be there. [Applause.]

Mr. BARKLEY. Mr. Chairman, I yield to the gentleman from Texas [Mr. RAYBURN].

Mr. RAYBURN. Mr. Chairman, of course if there was not a word in this bill or any law with reference to rate making, the argument of the gentleman from Kansas might apply.

But in order that there may be a complete reply to his argument, and every word of it, I will read an extract from the Supreme Court decision in the case of the Texas & Pacific Railway against the Interstate Commerce Commission (166 U. S., p. 197). This language was passed upon and this was said by the Supreme Court a good while ago, and of course the language which the gentleman from Kansas says is so necessary was not on the statute books at that time:

The very terms of the statute that charges must be reasonable, that discrimination must not be unjust, and that preference or advantage to any particular person, firm, corporation, or locality must not be undue or unreasonable, necessarily imply that uniformity is not to be enforced, but that all circumstances and conditions which reasonable men would regard as affecting the welfare of the carrier companies and of the producers, shippers, and consumers should be considered by a tribunal appointed to carry into effect and enforce the provisions of this act.

That, it seems to me, is a complete answer to the gentleman's argument.

Mr. LITTLE. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. No.

Mr. LITTLE. I thank the gentleman for backing me up.

Mr. RAYBURN. The gentleman says that the interests of the public should be considered, as if the interests of the public had not always been considered by the Interstate Commerce Commission. He says that the interests of the carriers should be considered, as if the Interstate Commerce Commission has not always considered them, and not only do they consider them, but every other thing that reasonable men would think would bear upon the case.

The gentleman from Illinois and other gentlemen—the gentleman from Virginia, who have spoken here in favor of this statutory rule of rate making, have said, when gentlemen have made objections, that there were things left out that should be put in and probably things brought in that should be left out; that they are willing to accept any amendment that will take into consideration all of the elements that should go into a rate. That proves conclusively that the Congress of the United States will commit an act of great unwisdom if it undertakes by statute to say all of the elements that should go into a rate. The gentlemen, after long consideration as members of the committee, considered this proposition as to what should go into the statute as a command to the Interstate Commerce Commission to be considered, and the first admission they make when they come upon the floor of this House is that they did not take into consideration enough elements, and therefore they are willing to accept whatever we suggest.

Another thing. The courts from one end of this land to the other have passed upon the proposition of the fairness and the reasonableness of rates, but now when you come in and enact a statute that says they shall take into consideration the interest of the public, the shipper, the reasonable cost of maintenance and operation, wages, labor, and appreciation and taxes, you are going henceforth to throw every rate made by the Interstate Commerce Commission into the courts, because the railroads will say that the commission has not taken these propositions into consideration.

Mr. PARKER. Mr. Chairman, I yield four minutes to the gentleman from Connecticut [Mr. MERRITT].

Mr. MERRITT. Mr. Chairman, there seems to be no difference of opinion as to the fairness in itself of the sentence in this bill providing for the elements which shall be considered

by the commission in reaching its conclusion as to just and reasonable rates. One of the principal arguments made against it is that it will produce some sort of a return on watered stock. The clause in the bill which shows that that is a fallacy needs only to be read. It states that four considerations shall be taken into account at least. If any member thinks that enumerating those four elements excludes others, which should be taken into account, we are perfectly willing to put in the phrase "among other things." Who shall say that the commission should not consider the public, the shippers, a reasonable cost, and a fair return? We certainly have not come to the point where we wish to discourage investment by striking out this language, and thus saying that we do not think a fair return on the property should be considered? I believe myself that one of the great elements that we should consider is to induce the investment of capital in railways, so that when this transportation machine is returned to its owners, it can go on expanding as it should, to serve the needs of the country.

Seventy-five per cent of all of the schemes from all sources presented to this committee had in them rules of rate making. As my time is very short, I can not elaborate, but I want to read to you some short extracts from the testimony when Mr. Clark, who everyone agrees, is one of the very able men on the commission, was on the stand, in respect to the desirability of attracting capital. The question was asked of Mr. Clark—

If the railroads are to be set on their feet independently, it is essential, is it not, that legislation by Congress, so far as that can accomplish it, should be such as in a general way to cheer up the investing public?

Mr. CLARK. I think that is a most desirable object to aim at.

As to the objection of the commission to having a rule in the law, let me quote from a statement of Mr. Prouty, who was another very able member of the commission and who resigned to take a position on the Valuation Committee.

This statement is found on page 3160 of the hearings "The railroads of the country should be self-supporting. To this end Congress should instruct the Interstate Commerce Commission to establish such reasonable rates as will yield a fair return upon the value for rate-making purposes which it establishes." * * *

"The rates should produce an adequate return upon the average value affected by them."

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. BARKLEY. Mr. Chairman, I yield four minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Chairman, the charge has been made that this bill recognizes \$8,000,000,000 of watered stocks and bonds in railroad securities and will authorize dividends to be paid thereon. This charge has been widely published in the newspapers of the day, and I have seen a statement to that effect in the papers in my own district. It had no proper foundation even before the amendment offered by the gentleman from Kentucky [Mr. BARKLEY] was adopted striking out certain portions of the bill. It has absolutely no foundation now. If it was made in good faith it was made in ignorance of the facts. Not a single Member of the House ever wanted anything of this kind, and nothing could have been further from the intention of the committee which framed the bill. A full acquaintance with the law on the subject of railroad rates would have shown that if it had been desired it would have been impossible to carry out a design to have rates raised so as to pay dividends upon fictitious securities.

Mr. Chairman, as a result of the statement to which I have just referred, some newspapers, the editors of which have been unaware of all that has been going on at Washington with reference to railroads in past years, have demanded an investigation into the charges made by Mr. Plumb with reference to watered stock. For several years after I first came into Congress I have been giving attention to this very matter and originated the investigation into the financial affairs of the Rock Island by which a thorough and exhaustive examination was made of its condition, with results that astonished everybody and drove from its management the parties then controlling it. I have also made a study of the investigations which have been conducted by the Interstate Commerce Commission of the affairs of other railroads. My purpose in so doing was to drive out from the management of the railroads officials who were managing them for speculative or other improper purposes, for while the principal injury done by these railroad wreckers was to the stockholders, the public was also affected to a considerable extent, for the reason that when railroads like the Rock Island, Frisco, and Pere Marquette were looted they were unable to render the service to the public to which the people patronizing

these lines were entitled until a heavy assessment had been made on the stockholders, and in some instances the financial condition of certain roads has not yet been fully restored. My active and persistent opposition to these practices will certainly acquit me of any charge of acquiescence in them. I have spent so much effort in exposing the issues of watered stock and preventing the payment of unearned dividends thereon that it has, in some instances, caused some persons to intimate that I was unfriendly to the roads, and has brought down upon me the active opposition of the men who profited by these frauds. I feel, however, that I can speak with some degree of authority and with absolute impartiality on this subject.

Let me say for the benefit of those who have not had the same time and opportunity to investigate this subject that I have, that the Government has already expended millions of dollars in making a physical valuation of the railroads of the country to determine the actual value of their property.

This valuation work is not yet completed, but it has progressed far enough to demonstrate that the value of the railroad properties of the country is around \$20,000,000,000, and that whenever in any hearings the value of any road has been estimated that value has not been excessive. In addition to this there have been special investigations into the financial condition of every road where there has been suspicion of improper management in late years. Of course, there are some roads like the Erie, which was looted by Gould and Fisk nearly 50 years ago and which have never paid a dividend since, that have not been investigated, because time has thoroughly brought to light their condition. Nor have these investigations into issues of stocks and bonds any particular use for the purpose of determining what rates ought to be charged. The amount of stocks and bonds issued by a railway has never been considered in the slightest extent in determining what was a reasonable rate for transportation over such railways, and it never will be. If this bill had so provided—and it does not—I am quite clear that such a provision would be unconstitutional and would be annulled by the courts. No principle of law is better settled than that the public are entitled to reasonable rates regardless of the amount which stock or bond holders may have invested in a railroad. Even the actual value of the property is not in itself a measure of what rates may be demanded, for the public is entitled to a reasonable rate, even if it does not always yield a fair rate upon the value of the property.

Mr. Chairman, the real fact is that the claim that this bill would authorize dividends upon watered stock has been set up by those who ought, at least, to know better, even if they do not. Its object has been to prejudice the public against this bill and induce Congress to adopt some scheme for public ownership. Another statement has been made for the same purpose. It is that if public ownership is adopted that the rates will be raised. This statement is true, and necessarily so. The roads under public control are being operated at an immense loss at present, and the bill for this loss is being paid by the Government. Nor is this the worst of the situation. This loss is increasing month by month, as various additions to the cost of Government control are made, and the loss must be made up from taxes.

The result is that the people are taxed in order that luxuries as well as necessities may be shipped at less than it costs the Government to have them carried. Nor does the public derive any benefit from necessities being carried at less than cost, because the increase of taxation necessitated thereby increases the cost of living as much as it would if these necessities paid their way. I favor an equitable distribution of freight charges and of every article, whether a necessity or luxury, paying its reasonable proportion. There is no reason why any man should be taxed in order that some other man may have his goods shipped for less than cost. Nor is this the worst feature of the situation. The fact that as matters now stand, and as they would continue to stand if Government control continued, the Government pays the shortage on freight causes many to overlook the taxes that are thereby laid and that as a result of taxation the cost of living is increased. Consequently, it appears to them that the expenses of the railroads are immaterial and extravagance naturally ensues. Upon a return to private ownership, however, we have a right to expect that an effort will be made to reduce expenses, increase efficiency, and absolutely eliminate extravagance. If this is not done, the railroad officials must know that they can not expect the rates will be made sufficient to pay a profit upon the operation of the railroads, because they will only be allowed reasonable rates in any event. They will naturally bend every effort to economy and efficiency, while under Government control, as the Government paid the loss, all inducements to economy were lacking.

Mr. Chairman, I never thought Federal control of the railroads was necessary even in time of war. The failure of the railroads to properly perform their functions when the war broke out was caused entirely, in my opinion, by Government interference with them. The use of Government priority orders was what jammed our ports with cars until they could neither be loaded or unloaded or even removed without holding up all freight except that belonging to the Government. But however this may be, the control of the railroads by the Government has, I think, convinced the vast majority of the people that under Government management we will have neither efficiency nor economy. Under private control we had both, and when the railroads go back to their former owners there will be a still more urgent pressure upon their officials to induce them to maintain the economy and efficiency which before existed.

It should be borne in mind in this connection that the days of watered stock and inflated securities will be over when this bill becomes a law. By this act the Government assumes control of all stock and bond issues. It will not permit any securities or evidences of indebtedness to be issued until it has first been determined that it is necessary to issue the same in order to efficiently operate the road which becomes liable thereon and also that the railroad is to receive full value therefor. In every way under the bill the control of the Government is absolute, so that the resources of no railroad can be improperly dissipated and the road thereby prevented from rendering the service to which the public is entitled.

The bill as a whole is an excellent one, containing many admirable features. I think the guaranty made to the roads for the first six months of private control is larger than is necessary for the strong roads, some of which might well have been left to their own resources, but it is merely the same amount which was heretofore guaranteed under Government management, which seems to have met with little, if any, objection anywhere. There are some other details of the bill with which I do not concur, but I realize that no great measure of this kind was ever put through Congress without Members subordinating their own views in some extent to those of the majority. If we waited for universal agreement, we would wait forever without anything being done. I shall, therefore, give my support and my vote to the bill, believing it will bring about a great improvement in present conditions and that upon the whole it is equitable, fair, and just.

Mr. BARKLEY. Mr. Chairman, I yield eight minutes to the gentleman from Tennessee [Mr. Sims].

Mr. SIMS. Mr. Chairman, I do not want to ask for more time. Therefore I ask unanimous consent to revise and extend my remarks, as I wish to add a list of railroad officials and the compensation they received for the year 1917.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. SIMS. Mr. Chairman and gentlemen of the committee, the only thing that is charming and potent about this rule of rate making in the bill is the name that it bears—the "Webster" amendment. In the United States the name of Webster has always had a wonderful potency since the days of Daniel Webster, Noah Webster, and the other great Websters. I want to say not all of them come from the State of Massachusetts, as one comes from the farthest State west on the Pacific coast. The Representative in this body from that State is certainly maintaining the reputation of the Websters. I have to admit that the name gives this amendment weight and strength which it otherwise would not have. But notwithstanding its name, notwithstanding the ability of the distinguished gentleman who offered it, I hope it will be stricken from the bill.

Now, the gentleman from Texas argued very potently and cogently with reference to certain objections. Let us look at some of them. The commission must consider the cost of maintenance and operation, including the wages of labor, depreciation, and taxes, and a fair return upon the value of the property used or held for the service of transportation. Now, if the Webster amendment goes in I shall offer as an amendment to his amendment as a proviso the following as a limitation on the expenses of operation:

Provided, That not exceeding \$20,000 of the salary or compensation paid any official of any railroad company shall be charged to operating expenses or be considered by the Interstate Commerce Commission in reaching its conclusion as to the justness and reasonableness of any rate, fare, charge, classification, regulation, or practice.

If the Webster amendment is stricken out of the bill, as I hope it will be, I expect to offer the same as an amendment on page 63, line 9, after the word "prescribed." But if the amendment goes in it makes it all the more necessary that this limitation on operating expenses should be adopted.

Mr. DENISON. If the gentleman will yield, I think the gentleman's amendment will be subject to the order unless this amendment stays in, and for that reason I think the gentleman from Tennessee had better support this provision in the bill.

Mr. SIMS. Maybe I had better support this provision of the bill, provided I do not understand what I am endeavoring to do in the way of attempting to save the consuming public from having to pay as operating expenses salaries that strongly smack of the worst form of profiteering. But why was it necessary in this bill to specifically mention certain elements which have always been considered in rate making? Why include in brackets or parentheses the wages of labor, depreciation, taxes, and in other portions of the bill maintenance? Now, why put in about the wages of labor? Was it to catch the labor vote by referring to them or was it to indicate to the commission that they must not permit the wages of labor to be unreasonably high? This is an invitation to every State, county, and municipality to lay on all the taxes they can, because it goes in as the expense of operation and must be considered in rates. The railroad companies pay what they please to their officials, their officers, and their attorneys, because that goes in as the expenses of operation, which we say in this bill must be considered in rate making.

Mr. DUNBAR. Will the gentleman yield?

Mr. SIMS. I am sorry that I can not yield. My personal friend, the able gentleman from Virginia, ex-Gov. MONTAGUE, says that there is a tendency to have too many employees under Government operation. It may be true—I am not controverting it—but what in the name of consistency has been the tendency of the railroad companies when they had the right to employ as many as they pleased and pay as many officials as they pleased and as much as they pleased, and all of it to be charged up to expense of operation? Take the greatest railroad system in this country, which is, according to my judgment, the Pennsylvania Railroad System. It had for the year 1917 a president at a salary of \$75,460, which is more than the President of the United States receives. It has 11 vice presidents with compensations beginning with \$40,620 and running down to \$25,000. I have only included the officers of this system receiving salaries of \$20,000 and over. In all, it has in this class 23 officers and attorneys whose compensation is from \$20,000 up to \$75,460, amounting in all to \$681,960. The President of the United States receives \$75,000. Ten Cabinet officers receive altogether \$120,000. The nine Justices of the Supreme Court receive \$126,500. The Vice President of the United States receives \$12,000. The Speaker of the House of Representatives receives \$12,000. These 23, the highest-paid officials of all departments of the Government, executive, judicial, and legislative, all combined, receive salaries amounting to \$345,500; just a little more than half the 23 executive officials of the Pennsylvania Railroad System amount to all combined.

Did the Interstate Commerce Commission have any power to consider the reasonableness of expenses of operation, including the payment of salaries to railroad officials greater than that of the President of the United States in fixing rates? I said the other day in my opening remarks that some of the ablest railroad officials in the United States have never received salaries of more than \$25,000.

This amendment is to limit expenses chargeable to costs of operation, and does not prevent these railroad officials receiving any amount in excess of \$20,000 each, provided it is paid out of the net earnings which belong to the stockholders who elect the directors, who allow these exorbitant salaries. They undoubtedly do it for other reasons than the public interest, as the public interest requires no such extravagant expenses of operation of this kind. The owners of the roads are responsible for the employment and compensation of these officials.

I do not object to giving Mr. Rea the salary he receives if it comes out of the net earnings in excess of \$20,000. A distinguished official of the Southern Railroad, coming from Virginia, a fine young man, gets \$50,500. These salaries of railroad officials that I have referred to were for the year 1917, and my information comes from the report of the Government Railroad Wage Board. Now, the Director General may have employed more laborers under operation and effect of the Adamson eight-hour law, and for the further reason that the best men they had were taken from them for Army service, both here and abroad, but everyone knows that they have not employed more general officers than did the railroads themselves before they were taken over. The railroads, prior to Federal control, had for the year 1917 208 general officers, including attorneys and receivers, receiving \$20,000 and over a year as salaries or compensation. The following were the officials and attorneys

of the Pennsylvania system who received salaries of \$20,000 and in excess of that sum for the year 1917:

Samuel S. Rea, president	\$75,460
James J. Turner, vice president	40,620
W. W. Atterbury, vice president	40,000
W. Heyward Myers, vice president	35,200
Edward B. Taylor, vice president	31,235
G. L. Peck, vice president	30,030
George Dallas Dixon, vice president	30,000
D. T. McCabe, vice president	30,000
B. McKeen, vice president	25,020
W. Heyward Myers, vice president	25,000
J. M. Schoemaker, vice president	25,000
Henry Tatnall, vice president	25,000
James F. Fahnestock, treasurer	20,000
William Newell Bannard, special assistant to general manager	25,000
Thomas Rodd, chief engineer	21,080
Francis I. Gowen, general counsel	30,000
C. B. Heiseman, general counsel	20,000
Henderson & Burr, solicitors	25,700
Loech & Richards, solicitors	25,805
O'Brien, Boardman Harper & Fox, counsel	25,500
G. S. Patterson, general solicitor	30,000
A. H. Strong, general attorney	20,000
McKenney & Flannery, solicitors	21,250

Mr. Chairman, from the same official report it appears that the following general officers, receivers, and attorneys for class 1 railroads, during the calendar year 1917, received a compensation of not less than \$20,000 per annum, to wit:

List of railroad officers and attorneys who received a salary of \$20,000 or more during 1917.

	Compensation.
Alston, Richard H., president, Chicago & North Western	\$50,240.00
Atterbury, W. W., vice president in charge of operations, Pennsylvania	40,000.00
Auch, John F., vice president and traffic manager, Philadelphia & Reading	20,000.00
Baker, Botts, Parker & Garwood, attorneys, Southern Pacific	30,000.00
Bannard, Wm. Newell, special agent to general manager, Pennsylvania	25,060.00
Batchelder, F. C., president, Baltimore & Ohio Chicago Terminal	22,015.00
Bell, M. L., general counsel, Chicago, Rock Island & Pacific Railway Co.	59,486.45
Bernet, J. J., president and general manager, Nashville, Chattanooga & St. Louis	23,906.66
Berry, J. B., consulting engineer, Los Angeles & Salt Lake	26,000.00
Besler, W. G., president and general manager, Central Railroad Co. of N. J.	50,210.00
Biddle, W. B., president, St. Louis-San Francisco Railroad	39,879.00
Bierd, W. G., president, Chicago & Alton	36,646.55
Biscoe, H. M., vice president, Boston & Albany	20,010.00
Blair, Joseph P., general counsel, Southern Pacific	34,500.00
Bledsoe, Samuel T., assistant general solicitor, Atchison, Topeka & Santa Fe	20,000.00
Blendinger, F. L., vice president, Lehigh Valley	20,120.00
Bond, Hugh L., Jr., general counsel and director, Baltimore & Ohio	25,290.00
Bowes, Frank B., vice president, Illinois Central	20,115.00
Brown, E. N., chairman board of directors, Pere Marquette	21,666.67
Brownell, Geo. F., vice president and general solicitor, Erie	49,610.00
Bruce, Helm, local counsel, Louisville & Nashville	27,770.00
Buckland, Edward G., vice president and general counsel, New York, New Haven & Hartford	22,699.99
Budd, Ralph, assistant to president, Great Northern	20,000.00
Burn, Charles W., general counsel, Northern Pacific	50,000.00
Burnham, C. G., vice president, Chicago, Burlington & Quincy	31,249.98
Bush, B. F., president, Missouri Pacific	44,170.00
Bush, D. L., vice president, Chicago, Milwaukee & St. Paul	20,010.00
Butler, Pierce, counsel of Federal Valuation, Missouri Pacific	45,000.00
Byram, H. E., president, Chicago, Milwaukee & St. Paul	60,000.00
Byram, H. E., vice president, Chicago, Burlington & Quincy	22,500.00
Calvin, Edgar E., president, Union Pacific	35,080.00
Campbell, Benjamin, senior vice president and director, New York, New Haven & Hartford	28,343.33
Capps, Chas. R., first vice president and director, Seaboard Air Line	20,000.00
Carey & Kerr, general counsel, Spokane, Portland & Seattle	22,500.00
Carpenter, Myron J., president, Chicago, Terre Haute & Southwestern	25,040.00
Carly, Ledyard & Milburn, general counsel, Denver & Rio Grande	55,000.00
Carstensen, John, vice president, New York Central	35,000.00
Cary, Robert J., general counsel, New York Central	22,000.00
Chadbourne & Shores, counsel, Denver & Rio Grande	63,000.00
Chambers, Edward, vice president, Atchison, Topeka & Santa Fe	25,000.00
Clark, James T., president, Chicago, St. Paul, Minneapolis & Omaha	25,160.00
Coapman, E. H., vice president, Southern	30,150.00
Cooke, Delos W., vice president, Erie	25,826.67
Copper, Thomas, assistant to president, Missouri Pacific	25,000.00
Crovath & Henderson, general counsel, St. Louis & San Francisco	20,000.00
Crowley, P. E., operating vice president, New York Central	20,000.00
Daly, J. F., vice president, New York Central	35,000.00
Darrow, E. R., president, Buffalo & Susquehanna	35,200.00
Davis, J. M., vice president, charge of operations and maintenance, Baltimore & Ohio	24,000.00
Dean, Richmond, vice president, Pullman Co.	50,000.00
Dewey, Chauncey M., chairman board of directors, New York Central	25,260.00
Dice, Agnew T., president, Philadelphia & Reading	35,000.00
Dickinson, J. M., receiver, Chicago, Rock Island & Pacific	120,732.90
Dixon, Geo. Dallas, vice president in charge of traffic, Pennsylvania	30,000.00
Donnelly, Chas., assistant general counsel, Northern Pacific	20,000.00

	Compensation.
Doran, Joseph I., general counsel, Norfolk & Western	\$20,310.00
Earling, A. J., president, Chicago, Milwaukee & St. Paul	75,319.00
Earling, H. B., vice president, Chicago, Milwaukee & St. Paul	20,000.00
Edson, J. A., president, Kansas City Southern	25,000.00
Elliott, Howard, director, president, and chairman, New York, New Haven & Hartford	37,381.69
Evans, W. F., general solicitor, St. Louis & San Francisco	25,000.00
Fahnestock, James F., treasurer, Pennsylvania	20,000.00
Farrell, J. D., president, Union Pacific	30,030.00
Felton, S. M., president, Chicago Great Western	40,259.93
Galloway, Chas. Wm., general manager, Baltimore & Ohio	20,210.00
Gilman, L. C., president, Spokane, Portland & Seattle	30,000.00
Gorman, J. E., president, Chicago, Rock Island & Pacific	47,715.00
Gowan, Marcus L., general counsel, Pennsylvania Railroad	30,000.00
Gowen, Francis I., general counsel, Pennsylvania	30,000.00
Gray, C. B., chairman of board, Western Maryland Railway	32,960.00
Gruber, James M., vice president and general manager, Great Northern	25,000.00
Hannaford, J. M., president, Northern Pacific	50,000.00
Hanson, Burton, general counsel, Chicago, Milwaukee & St. Paul	25,000.00
Harahan, W. J., president, Seaboard Air Line	40,857.00
Harden, A. T., vice president, New York Central	35,020.00
Harris, Albert H., vice president, New York Central	35,560.00
Harrison, Fairfax, president, Southern	50,500.00
Hawkins, W. A., general attorney, El Paso & Southwestern	25,000.00
Heiseman, C. B., general counsel, Pennsylvania Western	20,000.00
Henderson & Burr, solicitors, Pennsylvania System	29,700.00
Herbert, J. M., president, St. Louis Southwestern of Texas	20,343.36
Herrin, William F., vice president and chief counsel, Southern Pacific	38,170.00
Hill, Louis W., chairman, Great Northern	50,000.00
Hilliard, Charles W., fourth vice president, St. Louis-San Francisco	20,000.00
Hines, Walker D., director, chairman, Atchison, Topeka & Santa Fe	77,210.00
Holden, Hale, president and director, Chicago, Burlington & Quincy	65,000.00
House, F. E., president and general manager, Duluth & Iron Range	34,645.00
Howard, E. A., vice president, Chicago, Burlington & Quincy	20,000.00
Hughitt, Marvin, sr., chairman board of directors, Chicago & North Western	60,460.00
Hughitt, Marvin, Jr., vice president, Chicago & North Western	25,050.00
Hungerford, L. S., general manager, Pullman Co.	20,000.00
Huntington, C. W., president, Virginian Railway Co.	20,660.00
Huntington, G. R., general manager, Minneapolis, St. Paul & Sault Ste. Marie	20,000.00
Hustis, James H., president, Boston & Maine	35,200.00
Hyser, Edward M., vice president and general counsel, Chicago & North Western Railway	36,260.00
Ingersoll, Howard L., assistant to president, New York Central	20,000.00
Inglis, Wm. W., vice president and manager, Delaware, Lackawanna & Western	30,030.00
Jackson, Wm. J., receiver, Chicago & Eastern Illinois	27,000.00
James, Arthur Curtis, vice president, El Paso & Southwestern	26,650.00
Jeffery, E. T., chairman of board, Denver & Rio Grande	20,166.66
Jeffries, L. E., general counsel, Southern Railway	23,083.32
Jenny, Wm. S., vice president and general counsel, Delaware, Lackawanna & Western Railroad	31,383.98
Johnson, L. E., president, Missouri Pacific	60,090.00
Jungen, C. W., manager, Southern Pacific	21,500.00
Kearney, Ed F., president, Wabash	50,120.00
Keely, E. S., vice president, Chicago, Milwaukee & St. Paul	20,000.00
Kenney, Wm. P., vice president, Great Northern	22,500.00
Kerr, John B., president and general manager-director, New York, Ontario & Western Railway	20,230.00
Kramer, Le Roy, vice president, Pullman Co.	24,000.00
Krutzschmitt, J., chairman of executive committee of board of directors, Southern Pacific Transportation System	88,860.00
Korn, J. M., president, Detroit, Toledo & Ironton	20,000.00
Lamb, E. T., president, Atlanta, Birmingham & Atlantic	25,110.00
Lancaster, J. L., president and receiver, Texas & Pacific	20,470.00
Lathrop, Gardiner, general solicitor, Atchison, Topeka & Santa Fe	25,000.00
Lawton-Cunningham, general and division counsel, Central of Georgia	21,000.00
Ledyard, H. B., chairman board of directors, Michigan Central	30,240.00
Levey, Chas. M., president, the Western Pacific	25,420.00
Levy, Edw. D., first vice president and general manager, St. Louis & San Francisco	27,600.90
Lincoln, Robt. T., chairman board of directors, Pullman Co.	25,300.00
Lindley, E. C., vice president, director, and general manager, Great Northern	20,000.00
Loech & Richards, solicitors, Pennsylvania	25,805.00
Loomis, E. E., president, Lehigh Valley	44,287.18
Loomis, N. J., general solicitor, Union Pacific	20,000.00
Loree, L. F., president, Delaware & Hudson	50,800.00
Loree, L. F., chairman board and executive committee, Kansas City Southern	30,825.00
Lovett, A. S., chairman executive committee, Union Pacific	104,104.16
Lyford, Will H., general counsel to receiver, Chicago & Eastern Illinois	24,040.00
McAllister, Henry, Jr., general counsel, Denver & Rio Grande	55,000.00
McCabe, D. T., vice president, Pennsylvania	30,000.00
McChesney, W. S., president, Terminal Railroad Association, St. Louis	22,450.00
McCormack, E. O., vice president of traffic, Southern Pacific	30,200.00
McDonald, A. D., vice president and controller, Southern Pacific	26,250.00
McDonald, Morris, president, Maine Central	35,735.12
McGonagle, William A., president and general manager, Duluth, Missabe & Northern	21,000.00

	Compensation.
McKeen, V., vice president, Pennsylvania Lines	\$25,020.00
McKenna, E. W., member conference committee, Chicago, Milwaukee & St. Paul	20,000.00
Maher, N. D., vice president of operations, Norfolk & Western	36,350.00
Markham, C. H., president, Illinois Central	60,555.00
Martin, W. L., vice president and traffic manager, Minneapolis, St. Paul & Sault Ste. Marie	20,160.00
Middleton, J. A., vice president, Lehigh Valley	30,445.00
Minnis, James L., vice president and general solicitor, Wabash	20,833.33
Mudge, H. U., president, Denver & Rio Grande	43,232.00
Myers, W. Heyward, vice president, Pennsylvania	25,000.00
Noonan, William T., president, Buffalo, Rochester & Pittsburgh	50,000.00
O'Brien, Boardman, Harper & Fox, counsel, Pennsylvania	26,500.00
Pardee, Dwight W., secretary, New York Central	21,500.00
Patterson, G. S., general solicitor, Pennsylvania	30,000.00
Platt, H. V., vice president and general manager, Union Pacific	20,000.00
Pearson, Edw. J., president, New York, New Haven & Hartford	40,000.00
Pock, G. L., fourth vice president, Pennsylvania	30,030.00
Pennington, E., president, Minneapolis, St. Paul & Sault Ste. Marie	52,723.34
Peters, Ralph, president, Long Island	30,470.00
Pierce, Winslow S., general counsel, Wabash	24,000.00
Place, Ira A., vice president, New York Central Lines	35,150.00
Potter, Mark W., president, Carolina, Clinchfield & Ohio	20,000.00
Randolph, Epes, president, Arizona Eastern	26,465.00
Rca, Samuel, president, Pennsylvania	75,460.00
Ried, J. H., president and director, Bessemer & Lake Erie	25,562.00
Ridgway, A. C., vice president, Chicago, Rock Island & Pacific	25,390.00
Rine, E. M., vice president and general manager, Delaware, Lackawanna & Western	33,374.33
Ripley, Ed. P., president, Atchison, Topeka & Santa Fe	75,400.00
Robertson, Alexander, vice president, Missouri Pacific	25,869.55
Roid, Thomas, chief engineer, Pennsylvania Lines West	21,080.00
Ross, Walter L., president and receiver, Toledo, St. Louis & Western	25,090.00
Ruldener, Henry, chairman board of directors, St. Louis & San Francisco	40,000.00
Runnells, John S., president, Pullman Co.	60,500.00
Russell, Henry, vice president, Michigan Central	20,095.00
Schaff, Charles E., receiver and president, Missouri, Kansas & Texas	43,000.00
Schoemaker, J. M., vice president, Pennsylvania	25,000.00
Schumaker, Thomas M., president, El Paso & Southwestern	60,150.00
Scott, W. B., president, Morgan's Louisiana & Texas Railroad & Steamship	27,245.00
Seagr, C. B., vice president and controller, Union Pacific	37,016.87
Sewall, E. D., vice president, Chicago, Milwaukee & St. Paul	20,160.00
Seymour, M. V., counsel, St. Paul Union Depot	27,000.00
Scott, William R., vice president and general manager, Southern Pacific	23,766.67
Shriver, G. M., vice president, Baltimore & Ohio	30,250.00
Sloan, George T., first vice president, Northern Pacific	35,120.00
Smith, A. H., president, New York Central	78,360.00
Smith, Milton H., president, Louisville & Nashville	20,639.09
Spence, L. F., director of traffic, Southern Pacific	36,525.00
Spencer, O. M., general counsel, Chicago, Burlington & Quincy	27,123.28
Sproule, William, president, Southern Pacific	62,036.67
Stevens, George W., president, Chesapeake & Ohio	31,873.26
Stone, A. J., vice president, Erie	29,070.00
Story, W. B., vice president, Atchison, Topeka & Santa Fe	32,950.00
Strong, A. H., general attorney, Pennsylvania	20,000.00
Slade, George T., first vice president, Northern Pacific	35,120.00
Tatnell, Henry, vice president, Pennsylvania	35,200.00
Taylor, Edw. B., vice president, Pennsylvania Lines West	31,235.00
Thomas, E. B., chairman of board, Lehigh Valley	50,880.00
Thompson, Arthur W., vice president, Baltimore & Ohio	30,510.00
Todd, Percy R., president, Bangor & Aroostook	30,395.00
Trabue, Doolan & Cox, district attorneys for Kentucky, Illinois Central	27,720.00
Trusdale, William H., president, Delaware, Lackawanna & Western	75,399.88
Trumbull, Frank, chairman of board, Chesapeake & Ohio	26,738.97
Turner, James J., senior vice president, Pennsylvania Lines West	40,620.00
Underwood, F. D., president and chairman executive committee, Erie	77,950.00
Utley, E. H., vice president and general manager, Bessemer & Lake Erie	20,867.12
Warfield, S. Davies, chairman of board, Seaboard Air Line	50,000.00
Waterhouse, Frank, foreign freight agent, Union Pacific	24,000.00
Williams, W. N., vice president, Delaware & Hudson	20,636.66
Williams, Henry R., vice president, Chicago, Milwaukee & St. Paul	31,117.00
Winburn, W. A., president, Central of Georgia	21,855.00
Winchell, B. L., director of traffic, Union Pacific	36,000.00
Woodworth, James G., second vice president, Northern Pacific	22,500.00
Worcester, H. A., vice president and general manager, Cleveland, Cincinnati, Chicago & St. Louis	22,395.00
Young, J. H., president and director, Norfolk Southern	26,020.00
McKenney & Flannery, solicitors, Pennsylvania	21,250.00

Mr. Chairman, these general officers and attorneys no doubt include men from all walks of life. No doubt many of them have worked their way up by sheer merit and indefatigable industry, and I have nothing but words of praise for them as citizens of our Republic, and I do not care how much compensation they may receive for their services from those who are most interested in their services in the way of financial rewards—the stockholders. But I do emphatically protest against any compensation in excess of \$20,000 per annum to any official,

attorney, or receiver of any railroad being charged up as operating expenses.

There is not a public official of the United States or any State or city in the United States, except the President, that receives an annual compensation of \$20,000. All public officials, except the judiciary, have limited terms of office and incur much necessary expenses, due to being such public officials. In contrast, these railroad officials hold office practically for life, if not for one railroad it is for another, and all expenses incurred by them in the discharge of their duties is paid by the railroads and charged up to operation expenses. The officials whether traveling as officials or as private citizens get free transportation by way of exchange of courtesies from all railroads in the United States, as do their families. These free services can not be extended to other public officials. These free services to these railroad officials are no doubt highly prized by them and makes the compensation they receive additionally remunerative.

At this time these railroads are asking the favor of being permitted to fund certain of their indebtedness to the Government and for loans in addition and for a guaranty by way of continuation of the standard return rental after the roads are no longer under Federal control. All of which favors, if granted, must to some extent constitute a burden to the taxpayers. Therefore I feel that we should in this bill reduce the expenses of operation as much as we can without doing an injustice to anyone, and by so doing not in any way cripple the service of the railroads.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. PARKER. Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman from New York has eight minutes.

Mr. PARKER. How much time has the gentleman from Kentucky?

The CHAIRMAN. The gentleman from Kentucky has four minutes.

Mr. PARKER. How many more speakers has the gentleman?

Mr. BARKLEY. There may be two of two minutes each or one of four minutes.

Mr. PARKER. I think I have the right to make the closing argument.

Mr. BARKLEY. No. I think that right is on this side. The gentleman had better go ahead.

Mr. PARKER. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. Watson] three minutes.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for three minutes.

Mr. WATSON of Pennsylvania. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Kentucky, and I believe the clause should remain in the bill as written, in order that the railroads of the country may have a credit basis. If you fail thus to establish a credit, every railway in the United States will go into the hands of a receiver inside of 10 years.

It was stated yesterday that the Pennsylvania Railroad alone will need \$150,000,000 to meet its obligations that will be due within two years, and unless it has a credit basis no banker would consider the loan. All railroad companies, if Mr. BARKLEY's amendment prevails, will be compelled to ask Congress to extend to the Government authority to loan money to them—this will be a stepping stone toward Government ownership, to which I am opposed.

Gentlemen from Texas and other States of the Union say we have no cars to move our products. How can you obtain cars unless you establish a credit basis for the railways?

The railways were turned over to the Government for the benefit of 110,000,000 of people, the citizens of our Republic, and not for the interest of the railways, but to win the war. It seems to me it would be unfair and unjust to release Federal control of the rails without statutory rate-making power invested in the Interstate Commerce Commission similar to the one herein stated in order that railway companies may continue their extensions and betterments. Some time ago Members of the House for many days argued in favor of establishing reserve banks to avoid financial panic.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. WATSON of Pennsylvania. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the Record.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. PARKER. Mr. Chairman, I yield one minute to the gentleman from Wisconsin [Mr. Esch].

Mr. ESCH. Mr. Chairman, I offer an amendment in that time and desire to have it pending.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ESCH: Page 65, line 17, after the word "shall," strike out "take into consideration," and insert in lieu thereof "give due consideration among other things to."

Mr. PARKER. Mr. Chairman, I yield the balance of my time to the gentleman from Indiana [Mr. SANDERS].

The CHAIRMAN. The gentleman from Indiana is recognized for four minutes.

Mr. SANDERS of Indiana. Mr. Chairman, this is the important provision in the bill providing for a rule of rate making. After all of the discussion in opposition to this provision of the bill, what has really been urged? First, that since we provide that there shall be taken into consideration the interest of the public, the shippers, the reasonable cost of maintenance and operation, including the wages of labor, depreciation and taxes, and a fair return upon the value of the property used or held for the service of transportation, it might, therefore, exclude the consideration of other things. That argument has been answered by the amendment offered by the chairman of the committee, which is agreed to by everyone who has spoken on the subject. This amendment says such facts "among other things" shall be considered.

That is no real argument against this rule. Some Members say it is unnecessary, but that is not an argument against it.

Gentlemen of the committee, this rule of rate making is necessary, and it grows out of the situation that confronts this country of ours. Everyone admits that next year the railroads of this country must raise by private capital \$600,000,000. The year following the railroads of this country must raise another \$600,000,000, and year after year a larger amount, in order that the great transportation system of this country may go on under private ownership.

We find at this time a propaganda going about the country to the effect that property has no rights, asserting that the "water" is to be squeezed out of railroad stocks, and then that is followed up by the assertion that there will be practically nothing left, and a propaganda spread throughout the country to the effect that private capital has no rights.

In my opinion this is a great piece of constructive legislation, and I want the American Congress, in passing this law, to write on the wall, so that he who runs may be read, that property in this country of ours still has the same rights which it has always had, and that is the reason I want this provision in the bill. [Applause.] There are others saying that we are giving the railroads great rates on watered stock, and this is the answer to that proposition, because we make no provision here to give any dividend upon stocks. We make no provision that stocks must pay dividends, but we merely provide that there the question of a fair return upon the value of the property shall be considered. Who can object to that? And that is a conclusive answer—the very language of the rule of rate making itself is a conclusive answer—to the man on the street corner who is charging that Wall Street wrote this bill and that we are proposing to pay dividends on worthless stocks. The further provisions of this bill carefully safeguard the public against the issuance of watered stock in any form. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARKLEY. Mr. Chairman, in reply to the gentleman from Indiana [Mr. SANDERS] I simply desire to make this suggestion, that he is not any more enthusiastic than I am in the desire that property rights shall be maintained in the United States. But the elimination of this language will not take away from any railroad or any owner of railroads any property right that he has ever enjoyed since he acquired the property or since it was constructed. I desire above everything else that Congress shall pass a railroad bill that we can defend. I have labored as best I could with the members of the committee to bring out a bill that we could defend before the American people; and it does occur to me that we have been sufficiently liberal with the railroads. We have given them a six months' guaranty, under which in the past two years the Government has lost on an average about \$325,000,000 a year. We have guaranteed that their rates shall be continued at least for the next six months. We have given them the right to borrow money from the United States Government, which must be raised by taxation, provided the application for the loan is made within the next two years. Certainly that is going far enough on the part of the Government to take care of the railroads, without guaranteeing to them a return upon the value of their property whatever that value may be according to the testimony of the roads. But under the language of this bill as it is now the commission are not affirmatively

given the right to inquire into the efficiency of management or into the economy with which the road is used, nor into the question of whether the roads have ever made a return upon the value of their property; and they are not even given the right to dispute the valuation presented to the commission by the roads themselves. Certainly we have gone far enough when we have guaranteed the integrity of the present rates and have given them the right to borrow money from the Government. In doing these things we have gone as far as we ought to go, without guaranteeing to them that they shall have a fair return, whatever that fair return may be.

In another body there is a bill now pending which guarantees to them a minimum of 6 per cent return upon the value of their property. If this language goes into this bill and it finally reaches the stage of conference, with these provisions in one bill and those provisions in the other, we can only adjust the differences between what may be interpreted as a fair return and the 6 per cent rate fixed in the other body. So we certainly ought not to bind the House to the proposition and bind the commission to the proposition that without regard to the management, without regard to expenses, without regard to good economy or efficiency, without regard to the location of the road or to the volume of freight, every road in the United States shall be guaranteed a fair return; and that will be the interpretation placed upon this language by every road that makes application to the Interstate Commerce Commission for an increase of rates. For that reason I hope that the amendment to strike out this provision will be adopted.

The CHAIRMAN. The time of the gentleman from Kentucky has expired. The question is on the amendment offered by the gentleman from Wisconsin [Mr. Esch].

The amendment was agreed to.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Kentucky [Mr. BARKLEY].

The question being taken, on a division (demanded by Mr. BARKLEY) there were—ayes 115, noes 42.

Accordingly the amendment was agreed to.

Mr. SIMS. I offer an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SIMS: Page 65, line 9, after the word "prescribed," insert:

"Provided, That not exceeding \$20,000 of the salary or compensation paid any official of any railroad company shall be charged to operating expenses or be considered by the Interstate Commerce Commission in reaching its conclusion as to the justness and reasonableness of any rate, fare, charge, classification, regulation, or practice."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. SIMS].

The question was taken; and on a division (demanded by Mr. SIMS) there were—ayes 38, noes 80.

Accordingly the amendment was rejected.

Mr. SMALL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SMALL: Page 67, line 8, after the word "line," insert a colon and the following:

"Provided, That nothing herein applicable to joint rail and water rates shall permit the water carrier to receive a proportion or division in excess of its water rate proper, or to authorize the commission to compel or permit it to do so, or to authorize the commission to prescribe a minimum rate to be charged by a water carrier."

Mr. SMALL. Mr. Chairman, the Committee of the Whole have already amended the bill so as to provide that the commission may not establish a minimum rate on traffic carried partly by rail and partly by water on the water line. Paragraph 3 of section 417 says that—

The commission may also, after full hearing upon complaint or upon its own initiative, establish through routes, joint classification, and joint rates, fares, or charges, applicable to the transportation of passengers or property, or the maxima, or minima, or maxima and minima, to be charged, and the divisions of such rates, fares, or charges as hereinbefore provided, and the terms and conditions under which such through routes shall be operated; and this provision shall apply when one of the carriers is a water line.

This amendment makes the paragraph of this section correspond with the action heretofore taken by the Committee of the Whole, and without this amendment there would be an ambiguity in the bill which might lead to confusion.

Gentlemen may think that there is no necessity for this amendment, that the commission would not fix any rate on the water line, in arranging a through route and a joint rate, greater than the prevailing rates upon the water line.

But, unfortunately, that expectation would probably not be realized. The United States Railroad Administration, since Federal control of railroads has been in existence, in fixing joint rates of traffic carried partly by water and partly by rail,

fixed in several instances the water rates so high as to preclude any transportation over the through routes partly by rail and partly by water. Therefore the shippers found no attraction in the through routes fixed partly by rail and partly by water over the water lines, and the water lines have not received the traffic which they would otherwise receive.

Mr. ALEXANDER. Will the gentleman yield?

Mr. SMALL. Certainly.

Mr. ALEXANDER. If the Interstate Commerce Commission is given the power to fix minimum water rates, as compared with the remunerative rates for rail transportation, they would be compelled to fix the water rate high enough so that the rails might carry it at the same rate, and hence the water carrier would be of no value to the American people.

Mr. SMALL. The gentleman from Missouri has stated the concrete proposition very clearly. This amendment is in the interest of the public and would increase transportation facilities and promote and encourage water lines on through routes partly by rail and partly by water. I believe if gentlemen of the committee will consider the amendment carefully, they will agree that it is necessary, and that it conforms to the action of the Committee of the Whole taken on Saturday—that it removes ambiguity and promotes water transportation and will be in the interest of the public.

Mr. CLEARY. Mr. Chairman, this is the same question we passed upon on Saturday, as the gentleman from North Carolina [Mr. SMALL] says. When we consider that from our section the State of New York has spent about \$160,000,000 for canals, out of which the city of New York has paid over two-thirds, the city of New York is naturally very jealous of her water commerce. It is much to the interest of the city of New York, as I think it is to every city, to promote water transportation, so that the water-transportation people can carry as cheap as they wish. There never should be a minimum established for water transportation. There are so many factors entering into it. I remember when there were two or three thousand men in the water transportation, each fellow owning his own boat or two boats; and whenever he was in a hurry to get a return cargo he would take it as cheap as he could, and the goods went by the route of part water and part rail. A lot of goods are shipped from New York to Kansas City partly by water and partly by rail, and the canals and water transportation must always be permitted to carry stuff as cheap as they wish, and no law should interfere with that, because it is from competition between hundreds of people in and around New York now in every direction that they are carrying goods as cheap as they want to carry them. These men who want to take their boats and get away, if they are willing to carry for 50 cents, ought not to be compelled to charge 60. It would be wrong and unjust; and therefore I am very much in favor of the amendment offered by the gentleman from North Carolina [Mr. SMALL].

Mr. ESCH. Mr. Chairman, I move to strike out the last word. I think there has been a prejudice created in the minds of Members of the House, and possibly the country generally, in regard to the minimum rate as applied to water carriers, arising out of the action of the Railroad Administration with reference to the fixing of water rates. It is a fact that the water rates were raised materially where the water line was a competitor with the rail line. That was particularly true with the Great Lakes traffic. As I understand the proposition, the Federal Railroad Administration permitted the water rates to be raised to a level of the all-rail rate, thus destroying the differential which had existed for years. This was done, in some instances, on application of the water carriers protesting that they had to have a higher rate in order to pay increased cost of operation and materials.

Mr. CLEARY. Will the gentleman yield?

Mr. ESCH. Yes.

Mr. CLEARY. What watermen ever asked for a minimum rate to be established? Nobody but the Government itself.

Mr. ESCH. I understand the Great Lakes shipping interests asked for an increase of their rates, and the result has been that there has been no difference between the all-rail and the all-water rates. There was, therefore, no competition, and hence there was a loss of water-borne traffic because the rails carried the bulk of the business.

Again, the gentleman's amendment will, in my opinion, bear only on the rail carrier. You want to retain under that amendment full power of the commission to fix a maximum and minimum of the rail rates, part of the through rate, but when it comes to the water end of it leave it absolutely free and unrestricted. It does not seem to me that that is a fair proposition.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The question was taken; and on a division (demanded by Mr. SMALL) there were—ayes 62, noes 69.

So the amendment was rejected.

The Clerk read as follows:

SEC. 418. The fifth paragraph of section 15 of the commerce act is hereby amended by inserting "(5)" at the beginning of such paragraph.

SEC. 419. Section 15 of the commerce act is hereby amended by inserting after the fifth paragraph a new paragraph, to read as follows:

"(6) Whenever property is diverted or delivered by one carrier to another carrier contrary to routing instructions in the bill of lading, unless such diversion or delivery is in compliance with a lawful order, rule, or regulation of the commission, such carriers shall, in a suit or action in any court of competent jurisdiction, be jointly and severally liable to the carrier thus deprived of its right to participate in the haul of the property for the total amount of the rate or charge it would have received had it participated in the haul of the property. In any judgment which may be rendered the plaintiff shall be allowed to recover against the defendant a reasonable attorney's fee, to be taxed in the case."

Mr. ESCH. Mr. Chairman, I offer the following amendment. The Clerk read as follows:

Page 70, line 24, after the period, insert:

"The carrier to which the property is thus diverted shall not be liable in such suit or action if it can show, the burden of proof being upon it, that before acquiring the property it had no notice, by bill of lading, waybill, or otherwise, of the route instructions."

Mr. ESCH. Mr. Chairman, we believe this amendment is in the interest of fairness to the receiving carrier and would protect it if a bill of lading or waybill or any other document did not on its face disclose the fact that there had been a diversion of the traffic or a diversion of the routing of the merchandise received by it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

Mr. BRIGGS. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. BRIGGS: Page 70, line 24, after the word "property," add the following: "and in case of loss or of injury or damage to any such property, the owner thereof shall be entitled to recover the fair and reasonable value thereof, or, as the case may be, such amount as will reasonably compensate such owner for such injury or damage sustained by such property."

Mr. SANDERS of Indiana. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. The gentleman will state it.

Mr. SANDERS of Indiana. It is not germane to the section, because the section amends paragraph 6, which deals with the question of diverting freight and deals with the question not of any damage to the property, for it is not with reference to property, it being a question of not obeying the directions in the bill of lading, while this amendment deals with damage to property.

Mr. BRIGGS. Mr. Chairman, the language in the bill provides a penalty for failure to route the shipment as designated, that the carrier guilty of that should be liable in a certain sum, and limiting that liability to the loss of the freight that the carrier would have earned if the one designated had been permitted to make the carriage. This goes a little further, but it still is bearing on the liability of the carrier which deviates from the rule prescribed in the bill of lading, and simply says that the liability should be extended beyond the point designated by the committee—shall be extended by giving the shipper a right to recover any loss that he sustains by reason of that routing, as well as giving a remedy for the loss of freight.

The CHAIRMAN. The paragraph to which this amendment is offered confers on carriers the right in a suit or action in any court of competent jurisdiction to recover for the loss of freight by reason of improper diversion of the delivery of the freight, contrary to routing instructions contained in the bill of lading. The amendment of the gentleman from Texas provides that in case of loss or damage to freight being so transported, having been so improperly diverted, the shipper may recover the damage in a proper proceeding in a court for the injuries sustained by the loss or damage to such property. In the opinion of the Chair the remedy proposed to be given to the shipper for this loss or injury is not akin to the provisions of the paragraph conferring a remedy, a right, on a carrier, and in the Chair's view the amendment proposed is not germane to the section offered. The Chair, therefore, sustains the point of order.

The Clerk read as follows:

SEC. 420. Section 15 of the commerce act is hereby further amended by inserting "(7)" at the beginning of the sixth paragraph, "(8)" at the beginning of the seventh paragraph, "(9)" at the beginning of the eighth paragraph, and "(10)" at the beginning of the ninth paragraph.

Mr. JOHNSON of Washington. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 71, after line 7, insert a new section, as follows:

"Sec. 4123. Section 15 of the commerce act is hereby further amended by adding at the end thereof a new (11) paragraph:

"It shall be unlawful for any United States carrier or carriers by rail or water to participate in the continuous or interrupted transportation of passengers or property from any place in the United States through a foreign country to any other place in the United States, or from or to any place in the United States to or from a foreign country, where the through rate, or through charge by combination of rates for such transportation, whether by rebate, by absorption of storage charges, wharfage charges, or any other charge or charges, or in any manner whatsoever, shall be less than the through rate or through charge by combination of rates between such points filed with the Interstate Commerce Commission or the United States Shipping Board, or the Interstate Commerce Commission and the United States Shipping Board, applying at such time for like transportation by the United States carriers by rail or water, or by rail and water, and any person violating the provisions of this paragraph shall be guilty of a misdemeanor, and shall on conviction be punished by a fine not to exceed \$1,000."

Mr. SANDERS of Indiana. Mr. Chairman, on that I reserve the point of order.

Mr. JOHNSON of Washington. Mr. Chairman, if the gentleman intends to make the point of order, I wish he would make it now.

Mr. SANDERS of Indiana. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SANDERS of Indiana. Mr. Chairman, I make the point of order that this proposed amendment is not germane to the bill. It is offered as a new section, and therefore I suppose the question does not present itself as to whether or not it is germane at this particular place.

We propose in this bill to amend different sections of the commerce act. Of course, that opens up the field of amendment to any other section, and, I suppose, opens up the general field of the legislation of the commerce act. But this is not a regulation in any sense of the word. It is a prohibition against the carriage of freight by carriers of this country under certain conditions. It has been held in many cases with reference to ordinances of municipal corporations that the right to regulate does not give the right to prohibit, and, in fact, I think that that has been held with reference to the constitutional provision under which we enact all of this legislation. I cite that only as an illustration of the fact that the question of prohibiting the carrier from engaging in commerce is entirely different and foreign from the question of regulating commerce, and you can search through the original act and all of the amendments now in existence and you will not find any prohibitory legislation against the carrying of freight by a carrier. It occurs to me that in such a bill to offer an amendment which is a prohibition against the act of carriers is not a germane proposition.

Mr. JOHNSON of Washington. Mr. Chairman, in the first place, the amendment is, I think, in its proper place, making a No. "(11)" to section 420. The subject matter is entitled to be considered under the provisions adopted in the bill on page 39, at the beginning of Title IV, if the dashes inserted there on line 8 and line 17 mean anything at all.

Amendments to the commerce act—

That the provisions of this act shall apply to common carriers engaged in—

Then is described (a), (b), (c).

The amendment provides that railroads shall not take on in the United States cargoes of freight and jump them along a way as United States freight and then jump them into Canada, and receive for doing that rebates in any form whatever, and then jump the shipments back into the United States, thereby running the business outside of the United States, causing great loss to the southern set of transcontinental roads in the United States, which loss must be made up in some other way.

I can not see that it touches the point of order in any way, shape, or particular. It puts a few teeth to what you have already put in the bill.

Mr. TILSON. I make the additional point of order against the amendment that it must not only be germane to the bill, but it must be germane to the bill at this point, and that for parliamentary purposes it must be considered as an amendment to the section which has just been read, and unless it is so it is not in order at this time and at this place in the bill. I make that point of order.

Mr. JOHNSON of Washington. Why not?

Mr. TILSON. That as a new section it is not in order at this place unless it is germane to the preceding section.

Mr. JOHNSON of Washington. Why, Mr. Chairman, here we are amending various sections of the bill up to 10, and the section to which this is offered has already been changed once, and it is clearly in order to be admitted at this point.

Mr. SANDERS of Indiana. Mr. Chairman, I want to offer this additional suggestion. This is not in any sense a regulation. It does provide it shall be unlawful for any United States carrier or carriers by rail or water to participate in a continuous or uninterrupted transportation of passengers or property from any place in the United States to a foreign country or any other place in the United States, and so forth. It is an absolute prohibition against partaking in a through carriage.

Mr. ALEXANDER. Does the gentleman base his position on the fact that the interstate-commerce law does not contain any prohibition, and for that reason it is not germane?

Mr. SANDERS of Indiana. My point is that the interstate-commerce act is regulatory and not prohibitory.

Mr. ALEXANDER. There are many prohibitory provisions in the interstate-commerce act. The act provides that no railroad-owned vessels may go through the Panama Canal. The interstate-commerce act provides that no railroad shall grant rebates; that they shall not discriminate as between shippers. The interstate-commerce act is full of prohibitions. I understood the gentleman to say, further, the interstate-commerce act did not go to the limit of prohibiting. The Supreme Court has held to the contrary, that the power to regulate also includes the power to prohibit, and that has been held as regards interstate shipment of intoxicating liquors, and that prohibition has been exercised.

Mr. SANDERS of Indiana. That is not at all within the matter and the instance cited by the gentleman. This is an absolute prohibition of entering into any sort of carriage.

Mr. JOHNSON of Washington. The prohibition is in the law now.

Mr. SMALL. May I be heard for just a few moments?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. SMALL. Mr. Chairman, the proposed amendment seeks to amend section 15 of the commerce act. We have just concluded consideration of sections 417, 418, 419, and have just reached section 420. Each one of those had reference to or amended section 15 of the commerce act. Now, the title of this bill is, "to provide for the termination of Federal control of railroads," and so forth, and further "to amend an act entitled 'An act to regulate commerce,' and so forth, so that the bill under consideration proposes to amend the interstate commerce act. We have just read section 420, which proposed to amend section 15. The amendment proposed by the gentleman from Washington is further to amend section 15, and therefore it is germane, unless for some reason it has no reference to the matters proposed to be enacted in section 15 of the commerce act. I submit that the amendment of the gentleman from Washington is germane. What is the amendment? It seeks to correct an alleged evil by which commerce originating in the United States passes through a foreign country—for instance, Canada—and thence to another point in the United States. If the foreign railroad allows rebates or offers other wrongful inducements, it is guilty of unfair competition with our transcontinental lines. Those acts make the rate of freight over these foreign roads attractive to the shipper with the result of diverting traffic from our transcontinental lines to the line of a foreign country. It seems to me that an amendment which proposes to check in a perfectly legitimate way these violations by a foreign road, a practice which we inhibit in our law, must of necessity be germane to this bill and germane at the place at which it is offered.

The CHAIRMAN. Will the gentleman from North Carolina permit an inquiry there? Is there anything in the commerce act that has to do with transportation by rail or water to foreign countries?

Mr. SMALL. Yes; in the bill itself, Mr. Chairman, we find in section 400:

Provided, That this act shall apply to common carriers engaged in transportation of passengers or property from any place in the United States through a foreign country or any other place in the United States, or from or to any place in the United States to or from a foreign country.

That is in the bill which we have passed over, so that this amendment would be germane to this bill.

Mr. JOHNSON of Washington. It is also in the commerce act.

The CHAIRMAN. The gentleman from Washington offers an amendment to insert a new paragraph in section 15 of the commerce act as thus far amended, the effect of which is to make unlawful for a United States carrier by rail or water to participate in a continuous or interrupted transportation of passengers or property from any place in the United States through a foreign country to any other place in the United States, or from or to any place in the United States, or from a foreign country, where the through rate or through charge by combina-

tion of rates for such transportation, whether by rebate, by absorption of storage charges, wharfage charges, or any other charge or charges, or in any manner whatsoever, shall be less than the through rate or through charge by combination of rates between such points, filed with the Interstate Commerce Commission or the United States Shipping Board, or the Interstate Commerce Commission and the Shipping Board, applying at such time for like transportation by the United States carriers by rail or water or by rail and water.

It then provides a penalty. Section 15 of the commerce act is devoted chiefly to the powers of the commission after investigation either upon its own initiative or upon petition to institute rates or to determine just and reasonable regulations and practices; and where the carriers fail to agree on a division of joint rates the commission is authorized to prescribe the proper proportion. Section 15 also authorizes the investigation of new schedules, the suspension of new schedules, and the extension of such suspension, and puts the burden on the carriers to show the reasonableness of increased rates. It is also authorized to establish through routes and joint rates in classification. There is a limitation on the power to prescribe through routes, and the shipper is authorized to designate routes. Then there is a penalty for giving information, and also there is discretion left in the commission to determine the maximum to be paid for service rendered. Then the section as it now stands, as the Chair understands it, contains a clause reading:

The following enumeration of powers shall not exclude any other power which the commission would otherwise have in making an order under the provisions of this act.

The amendment proposed by the gentleman from Washington [Mr. JOHNSON] seeks to write into the law a prohibition for certain carriers to do a certain thing, or to route certain property or passengers in a certain way, and provides that the compensation shall not be less than certain schedules filed with the Interstate Commerce Commission or the United States Shipping Board. In the opinion of the Chair the amendment of the gentleman from Washington in seeking to write into the permanent law a prohibition of this character, particularly as to the filing or permitting the filing of rates with the Shipping Board, and also the Interstate Commerce Commission, is not germane to the provisions of section 15, which deals with an entirely different subject, and the Chair therefore sustains the point of order.

Mr. SEARS. Mr. Chairman, at the beginning of the reading of this bill I called the attention of the House to the necessity of giving this bill full consideration, involving, as it does, one-twelfth of the wealth of the Nation. I therefore ask unanimous consent to have printed in the Record an article that I have here, and I do so because I believe the membership of the House will be interested in the article; that the people of the country are entitled to the information contained in the article; and further, because the gentleman who wrote the article will deal with the bill at the other end of the Capitol. Without expressing any opinion as to the merits or demerits of the article, I ask unanimous consent to insert in the Record an article appearing in a magazine, the Nation's Business, issue of June, 1919, entitled, "Our Waiting Railways; What Attitude Will Congress Take Toward the Carriers which are the Vital Factor in our Commercial Existence?" by Senator ALBERT B. CUMMINS, chairman of the Interstate Commerce Committee of the Senate. This article clearly shows the necessity of giving this legislation careful consideration, which I contend has not been done and was impossible in the six or seven days the bill has been before us.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to extend his remarks in the Record by printing the article mentioned. Is there objection?

Mr. JOHNSON of Washington. Mr. Chairman, I do not believe the House should go into the business of inserting the remarks of a gentleman in the other body, and therefore I object.

Mr. SEARS. I hope the gentleman will not object. This will be printed in the Record and the people will and should have an opportunity to read it. There is much meat in this article. The gentleman's objection is simply an illustration of—

A MEMBER. Regular order!

Mr. SEARS. Mr. Chairman, I make the point of order that the Democrat who was kind enough to call for the regular order should be courteous enough to stand up and comply with the rules of the House. I think that his ignorance in this case should not be overlooked.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. SEARS. Yes.

Mr. JOHNSON of Washington. I do not desire personally to be objecting to these things, but as a member of the Joint Com-

mittee on Printing I feel obliged to do so for the reason in this case that the matter is likely to appear in the Record from another body.

Mr. SEARS. Then it will be under consideration again, and the people will not have a chance perhaps to read it and study it before the bill is again acted upon.

Now, Mr. Chairman, it has been stated by a number of Members of the House that a vote for or against the bill will be considered as a vote for or against public ownership of railroads. This construction can not and should not be given to any vote cast by the Members on either side. I think there are three interests involved in this bill which should be protected: First, the owners and operators of railways. To the owners should be given full justice; then to their employees; to them should be given full justice. I believe the first two, as ably cartooned a few days ago, have been fully cared for, but there is a third interest, Mr. Chairman, and that is the great citizenship of the United States, which I fear, I am convinced, has not been protected. I had hoped to publish this article, written by the distinguished Republican chairman of the Committee on Interstate Commerce of the Senate, in order that the people of the country might know something about it, and again I state that I regret that one of his Republican colleagues should see fit to object.

The CHAIRMAN. The time of the gentleman from Florida has expired. The Clerk will read.

The Clerk read as follows:

SEC. 422. The second paragraph of section 16 of the commerce act is hereby amended by inserting (2) at the beginning of such paragraph and by striking out the last sentence thereof and inserting in lieu thereof the following as a new paragraph:

"(3) All actions at law by carriers subject to this act for recovery of their charges, or any part thereof, shall be begun within three years from the time the cause of action accrues, and not after. All complaints for the recovery of damages shall be filed with the commission within two years from the time the cause of action accrues, and not after, unless the carrier, after the expiration of such two years or within 90 days before such expiration, begins an action for recovery of charges in respect of the same service, in which case such period of two years shall be extended to and including 90 days from the time such action by the carrier is begun. In either case the cause of action in respect of a shipment of property shall, for the purposes of this section, be deemed to accrue upon delivery or tender of delivery thereof by the carrier, and not after. A petition for the enforcement of an order for the payment of money shall be filed in the district court or State court within one year from the date of the order, and not after."

Mr. THOMPSON. Mr. Chairman, I ask unanimous consent to extend by remarks in the Record on this bill.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. JONES of Texas. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. ESCH rose.

Mr. BEE. Mr. Chairman, I wanted to ask the chairman of the committee—

The CHAIRMAN. Does the gentleman from Wisconsin seek recognition?

Mr. ESCH. Yes; but I will wait.

Mr. BEE. If he does, of course I will yield. I wanted to ask the chairman of the committee as to the provision on page 71, line 16, requiring actions at law by carriers to be begun within three years and complaints for the recovery of damages within two years against the carriers. Why do you give the carriers three years in which to bring cause of action?

Mr. ESCH. The trouble is that there is really no limitation now, and that has been one of the main causes of complaint on the part of shippers where they have paid their charges and then five or six years thereafter the carriers have brought in claims for overcharge. We did not believe that that was in the interest of good business, and so we put in the limitation of three years.

Mr. BEE. The reason I asked the chairman of the committee the question was because I wanted to know why you give the carriers three years instead of two. In other words, the section reads—

All actions at law by carriers subject to this act for recovery of their charges, or any part thereof, shall be begun within three years from the time the cause of action accrues, and not after. All complaints for the recovery of damages shall be filed with the commission within two years from the time the cause of action accrues, and not after.

Why do you make that distinction between the carriers and those who have complaints against the carriers?

Mr. ESCH. The first part is the existing law.

Mr. BEE. The three years?

Mr. ESCH. No; the two years is the existing law.

Mr. BEE. Why does not the committee put them upon an equality?

Mr. ESCH. You have to allow considerable time in actions of this sort because of the complexity of the tariff schedules. Sometimes it requires a good deal of time before it is discovered.

Mr. BEE. I understand, and the only thing I am asking—and more for information than by way of complaint—is why the time given to the carrier is three years and the time given to the shipper is two years? Why is there not an equality in point of time between the parties?

Mr. SANDERS of Indiana. Where the carrier brings the suit it is a case where the carrier did not charge the consignor a sufficient amount of money, and it is a violation of law, and the consignor has been held heretofore to be obliged to return the difference even after a period of 8 or 10 years; but it was such a hardship on the shipper that it was thought there ought to be some limitation to that kind of an action, and the committee fixed it at 3 years. The gentleman will understand that they are not the same kind of an action.

Mr. BEE. I understand that they are not the same kind of actions, but I am still asking for an answer to the question as to why there should be the difference in the time allowed? I can not understand why the carrier can not find out within three years that he has not charged a sufficient amount. He can find this out in two years, just as well as the shipper can find out his troubles in two years.

Mr. SANDERS of Indiana. But it has always been recognized that the suits are entirely different kinds of action; because the suit by the shipper is ordinarily a suit for failure to deliver, or something of that sort, while on the carrier's part it is a case where he has not charged the shipper a sufficient amount. It is really a tort on the part of the carrier, and there being that distinction, there is some question whether there ought to be any limitation whatever.

Mr. BEE. I understand, but it occurs to me that where the carrier has not charged enough you ought not to give him so much time to find it out.

Mr. SANDERS of Indiana. It gives him an opportunity to practice rebating.

Mr. BEE. I know, but you ought not to give him so much time to find it out.

Mr. ESCH. Mr. Chairman, I wish to correct a typographical error on page 71, line 12, to insert quotation marks outside of the brackets around the figure "2."

The CHAIRMAN. Without objection, the Clerk will make the correction.

Mr. EVANS of Nevada. I ask unanimous consent to revise and extend my remarks in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Nevada?

There was no objection.

The Clerk read as follows:

Sec. 424. The seventh paragraph of section 16 of the commerce act is hereby amended to read as follows:

"(8) Any carrier, any officer, representative, or agent of a carrier, or any receiver, trustee, lessee, or agent of either of them, who knowingly fails or neglects to obey any order made under the provisions of sections 3, 13, or 15 of this act shall forfeit to the United States the sum of \$5,000 for each offense. Every distinct violation shall be a separate offense, and in case of a continuing violation each day shall be deemed a separate offense."

Mr. BROOKS of Pennsylvania. Mr. Chairman, I wish to offer an amendment on page 71, line 18.

Mr. ESCH. We have passed that.

Mr. BROOKS of Pennsylvania. I ask unanimous consent to return to it.

Mr. ESCH. For what purpose? We would like to know what the gentleman's amendment is.

Mr. BROOKS of Pennsylvania. I think the term of three years in which the carrier has the right to bring suit against the shipper is too long a time.

Mr. ESCH. We have just discussed that.

Mr. BROOKS of Pennsylvania. One year is plenty long enough.

The CHAIRMAN. Is there objection to the gentleman's request to return to the preceding section?

Mr. ESCH. Let the gentleman's amendment be read for information.

Mr. BROOKS of Pennsylvania. I offer the following amendment.

The CHAIRMAN. The gentleman's amendment will be read for information.

The Clerk read as follows:

Page 71, line 18, after the word "within" strike out the word "three" and substitute "one."

Mr. BEE. Would it be in order for me to move to substitute "two" instead of "one"?

The CHAIRMAN. Not until we get consent to return to the section for the purpose of offering an amendment. Is there objection?

Mr. ESCH. I object.

The CHAIRMAN. The gentleman from Wisconsin objects.

The Clerk read as follows:

Sec. 426. The tenth paragraph of section 16 of the commerce act is hereby amended to read as follows:

"(11) The commission may employ such attorneys as it finds necessary for proper legal aid and service of the commission or its members in the conduct of their work, or for proper representation of the public interests in investigations made by it or cases or proceedings pending before it, whether at the commission's own instance or upon complaint, or to appear for or represent the commission in any case in court; and the expenses of such employment shall be paid out of the appropriation for the commission."

Mr. SMALL. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. In what respect does the provision of the bill differ from existing law?

Mr. ESCH. The only difference will be found in line 14, on page 73, in the use of the word "court."

Mr. SMALL. Instead of "Commerce Court"?

Mr. ESCH. The other was "Commerce Court," and we abolished that court, and so we now say "court."

Mr. SMALL. That is substantially the only difference?

Mr. ESCH. That is all.

Mr. LAYTON. Mr. Chairman, I suggest to the chairman of the committee whether there is not a typographical error in line 11, and if the word "or," before the word "proceedings," should not be "of"?

Mr. ESCH. No; that was considered in the committee. It is right as it is.

Mr. LAYTON. Then I think there should be a comma before the word "or."

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 433. The fifth paragraph of section 20 of the commerce act is hereby amended to read as follows:

"(5) The commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by carriers subject to the provisions of this act, including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of moneys. The commission shall as soon as practicable prepare and establish schedules for depreciation of all classes of equipment and fixed improvements of carriers subject to this act, which schedules may be modified from time to time, and shall, as and when established, be used and followed. The commission shall at all times have access to all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing, and kept or required to be kept by carriers subject to this act, and the provisions of this section respecting the preservation and destruction of books, papers, and documents shall apply thereto, and it shall be unlawful for such carriers to keep any other accounts, records, or memoranda than those prescribed or approved by the commission, and it may employ special agents or examiners, who shall have authority under the order of the commission to inspect and examine any and all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing, and kept or required to be kept by such carriers. This provision shall apply to receivers of carriers and operating trustees. The provisions of this section shall also apply to all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing, kept during the period of Federal control, and placed by the President in the custody of carriers subject to this act."

Mr. HAYDEN. I move to strike out the last word. In lines 3, 4, and 5 on page 76 occur the words:

And it shall be unlawful for such carriers to keep any other accounts, records, or memoranda than those prescribed or approved by the commission.

Mr. ESCH. Yes.

Mr. HAYDEN. I want to know whether that provision makes it unlawful for the carrier to keep accounts, records, or memoranda prescribed by the State railway or corporation commissions?

Mr. ESCH. That is existing law and has been the law for quite a number of years, ever since 1910. If your State commission has been keeping records of accounts according to its own law and has not had any conflict with the Interstate Commerce Commission, I assume that there has been no violation of this law.

Mr. HAYDEN. I know of this state of affairs: The Legislature of the State of Arizona passed a 3-cent-fare law, which the carriers, of course, resisted. Pending the decision of the court the State corporation commission directed the carriers to keep an account of tickets sold at the rate of more than 3 cents a mile, so that a rebate could be made in the event that the court decided that the act was constitutional. The carriers refused to keep any such account. Would there be any objection to amending this provision by adding, after the word "admission," in line 5, the words "or unless prescribed by a State corporation commission or other State railway-regulatory body?"

Mr. ESCH. No; I believe that might lead to a conflict of jurisdiction at once. There has been no trouble, as far as I know, since 1910, when these words were put into the law.

Mr. MOORE of Virginia. Mr. Chairman, I will say, if the gentleman will yield, that in practice the Interstate Commerce Commission devises for the small lines a simple form of accounts. It does not require any such complicated report as it expects from the larger trunk lines, and no difficulty has come from the application of this provision, which, as the chairman says, has been the law for several years.

Mr. HAYDEN. I realize that it would be both vain and useless to offer such an amendment unless it meets with the approval of the chairman of the Committee on Interstate Commerce, so I therefore ask the gentleman from Wisconsin [Mr. Esch] whether he would object to an amendment that would not make it unlawful for the carriers to keep accounts, records, or memoranda when prescribed by a State corporation commission or other State regulatory body?

Mr. ESCH. I would not be inclined to accept the amendment, as far as I am personally concerned. There has been no difficulty, and I doubt whether there ever would be.

Mr. HAYDEN. As I have said, there was just such a difficulty in my State.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. HAYDEN. Yes.

Mr. HARDY of Texas. Might it not be very important, as it would have been had the Arizona act been held constitutional, in order to preserve evidence of the overcharge?

Mr. HAYDEN. The Arizona State Corporation Commission insisted that it was very important.

Mr. VENABLE. Mr. Chairman, I move to strike out the last two words. Of course, the objection of the gentleman from Arizona is that this language might take away from the State tribunal the power to make a rule that the carrier should keep such books and accounts as would enable the State tribunal to exercise its jurisdiction over the intrastate rights. I do not think any such construction would be given to the language, because this Congress has not the power to take from the States their jurisdiction over intrastate rights, which impliedly carries with it the power to make all internal regulations and rules for the exercise of its jurisdiction. Certainly no court would so construe this language as to make it an invasion of State jurisdiction. In my judgment, if this language should come before the courts they would construe it as applying only to interstate business, with no sort of limitation on the power of the State to lay down any necessary rule or regulation for its own use and guidance.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 436. The third proviso of the eleventh paragraph of section 20 of the commerce act (not counting the proviso added by section 435 of this act) is hereby amended to read as follows:

"Provided further, That it shall be unlawful for any such common carrier to provide by rule, contract, regulation, or otherwise a shorter period for giving notice of claims than 90 days, for the filing of claims than four months, and for the institution of suits than two years, such period for institution of suits to be computed from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice."

Mr. JONES of Texas. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 78, line 2, after the word "notice," add the following:

"Provided, In the event suit is instituted on any such claim within the 90-day period such institution of suit shall be construed as being in compliance with any such provision for giving notice of filing such claim."

Mr. JONES of Texas. Mr. Chairman, the purpose of the amendment is this: A great many contracts of shipment require that notice of the claim for damages shall be filed within a certain period. This law requires that notice of claim be filed within 90 days and the filing of the claim within four months. As I understand it, the purpose of the carrier in requiring that notice of the claim be filed or requiring that claims be filed within a limited period is so that they may have a chance to investigate before the witnesses have gotten away and before the evidence has become scattered so that it can not be obtained. If the suit is filed within three months there can be no reason for putting the party to the trouble of filing notice of a claim or of filing the claim itself. The filing of the suit would be notice, and it would be notice of the character and kind of the claim. I do not see how there can be any objection to the proviso being put in.

Mr. Chairman, the question of whether or not the railroads shall be returned to the owners is not involved in this bill. They were simply taken over for the period of the war. The President has announced that he will return them on January

1, 1920. They will therefore be returned at a very early date, and even if the President did not act and no legislation were passed they would automatically go back at an early date. They were taken over for the war and should be returned at once. I was one of the 15 Members who voted last February to return them.

The sole question to be determined is whether the present bill should be passed or whether they should go back under the law as it existed prior to Federal control.

The so-called Esch bill, which we are now considering, is a monstrosity. Section 207 provides that the United States shall guarantee the roads a profit, during the first six months of their operation after being returned, of not less than the average they received during the three years just prior to Federal control. It provides that those roads which make more than the guaranty shall be allowed to keep the excess and those which make less—well, the Government will make up the loss by a gift, a pure gratuity. What other business receives a guaranty of a profit? The farmer does not. When the drought or the pestilence comes he must shoulder his loss. Under this bill you would tax him to guarantee the railroad owner against loss. The business man is not guaranteed. If hard times come and he has goods left on his hands, he, too, must suffer his loss like a man. But now you would tax him, too, for the benefit of the owners of the stocks and bonds. What a strange philosophy of government.

In addition to the guaranty, another subsection of the bill appropriates \$250,000,000 to be loaned to the railways out of the United States Treasury. In addition to guaranteeing them a profit, you would lend them a lot of money on second liens.

This is not all. The public has hoped that freight rates at least would go no higher. But this bill provides that all the railways which desire to have the advantages of the guaranty shall immediately file a schedule of increases in freight rates over what those rates are now. What a provision. Whoever heard of a government of sane men guaranteeing a business a profit, then loaning that business money, and then asking that business to increase its charges for its services? Where does the public come in on this affair? Surely the taxpayer is entitled to some consideration in this hour of turmoil. How can any man vote for such a measure?

Subsections 15 and 16 provide for turning over the distribution of all cars to the Interstate Commerce Commission, with authority to order them anywhere, regardless of the road to which they belong. My section of the country has had some experience with car distribution. This bill would give the commission power to take every car out of Texas or any other State. The man does not live who can sit at a desk in Washington and distribute cars over this broad country without getting them into a jam.

By the terms of this measure the Shreveport decision is not only ratified, but its scope is enlarged, and the business interests of all inland sections and cities are jeopardized, the State railway commissions are stripped of practically all their powers, water transportation will be almost destroyed, rates will be increased, and the progress of the far-away and developing sections will be greatly impeded. But why multiply the reasons? The bill in its present form is impossible.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. JONES of Texas) there were—ayes 24, noes 51.

So the amendment was rejected.

The Clerk read as follows:

SEC. 437. The commerce act is further amended by inserting therein a new section between section 20 and section 21 to be designated section 20a, and to read as follows:

"SEC. 20a. (1) That from and after 120 days after this section takes effect it shall be unlawful for any common carrier by railroad (except a street or electric interurban passenger railway not engaged in the general business of transporting freight in addition to its passenger and express business) which is subject to this act (hereinafter in this section called 'carrier') to issue any share of capital stock or any bond or other evidence of interest in or indebtedness of the carrier (hereinafter in this section collectively termed 'securities') or to assume any obligation or liability as lessor, lessee, guarantor, indorser, surety, or otherwise, in respect of the securities of any other person, natural or artificial, even though permitted by the authority creating the carrier corporation, unless and until, and then only to the extent that, upon application by the carrier, and after investigation by the commission of the purposes and uses of the proposed issue and the proceeds thereof, or of the proposed assumption of obligation or liability in respect of the securities of any other person, natural or artificial, the commission by order authorizes such issue or assumption. The commission shall make such order only if it finds that such issue or assumption: (a) is for some lawful purpose compatible with the public interest, which is necessary or appropriate for or consistent with the proper performance by the carrier of service to the public as a common carrier, and which will not impair its ability to perform that service, and (b) is reasonably necessary and appropriate for such purpose.

"(2) The commission shall have power by its order to grant or deny the application as made, or to grant it in part and deny it in part, or to grant it with such modifications and upon such terms and conditions

as the commission may deem necessary or appropriate in the premises, and may from time to time, for good cause shown, make such supplemental orders in the premises as it may deem necessary or appropriate, and may by any such supplemental order modify the provisions of any previous order as to the particular purposes, uses, and extent to which, or the conditions under which, any securities so theretofore authorized or the proceeds thereof may be applied, subject always to the requirements of the foregoing paragraph (1).

"(3) Every application for authority shall be made in such form and contain such matters as the commission may prescribe. Every such application, as also every certificate of notification hereinafter provided for, shall be made under oath, signed and filed on behalf of the carrier by its president, a vice president, auditor, comptroller, or other executive officer having knowledge of the matters therein set forth and duly designated for that purpose by the carrier.

"(4) Whenever any securities set forth and described in any application for authority or certificate of notification as pledged or held unencumbered in the treasury of the carrier shall, subsequent to the filing of such application or certificate, be sold, pledged, repledged, or otherwise disposed of by the carrier, such carrier shall, within 10 days after such sale, pledge, repledge, or other disposition, file with the commission a certificate of notification to that effect, setting forth therein all such facts as may be required by the commission.

"(5) Upon receipt of any such application for authority the commission shall cause notice thereof to be given to and a copy filed with the railroad commission, or public service or utilities commission, or other appropriate authority of each State in which the applicant carrier operates, or to the governor of such State. The railroad commissions, public service or utilities commissions, or other appropriate State authorities thus notified shall have the right to make before the commission such representations as they may deem just and proper for preserving and conserving the rights and interests of their people and the States, respectively, involved in such proceeding. The commission may hold hearings, if it sees fit, to enable it to determine its decision upon the application for authority.

"(6) The jurisdiction conferred upon the commission by this section shall be exclusive and plenary, and a carrier may issue securities and assume obligations or liabilities in accordance with the provisions of this section without securing approval other than as specified herein.

"(7) Nothing herein shall be construed to imply any guaranty or obligation as to such securities on the part of the United States.

"(8) The foregoing provisions of this section shall not apply to notes to be issued by the carrier maturing not more than two years after the date thereof and aggregating (together with all other then outstanding notes of a maturity of two years or less) not more than 10 per cent of the par value of the securities of the carrier then outstanding. In the case of securities having no par value, the par value for the purposes of this paragraph shall be the fair market value as of the date of issue. Within 10 days after the making of such notes the carrier issuing the same shall file with the commission a certificate of notification, in such form as may from time to time be determined and prescribed by the commission, setting forth as nearly as may be the same matters as those required in respect of applications for authority to issue other securities.

"(9) The commission shall require periodical or special reports from each carrier hereafter issuing any securities, including such notes, which shall show, in such detail as the commission may require, the disposition made of such securities and the application of the proceeds thereof.

"(10) All issues of securities and assumptions of obligation or liability contrary to the provisions of this section or of any order issued thereunder by the commission shall be void. If any security so made void or any security in respect to which the assumption of obligation or liability is so made void, is acquired by any person for value and in good faith and without notice that the issue or assumption is void, such person may in a suit or action in any court of competent jurisdiction hold jointly and severally liable for the full amount of the damage sustained by him in respect thereof, the carrier which issued the security so made void or assumed the obligation or liability so made void, and its directors, officers, attorneys, and other agents, who participated in any way in the authorizing, issuing, hypothecating, or selling of the security so made void or in the authorizing of the assumption of the obligation or liability so made void. In case any security so made void was directly acquired from the carrier issuing it the holder may at his option rescind the transaction and upon the surrender of the security recover the consideration given therefor. Any director, officer, attorney, or agent of the carrier who knowingly assents to or concurs in any issue of securities or assumptions of obligation or liability forbidden by this section, or any sale or other disposition of securities contrary to the provisions of the commissioner's order or orders in the premises, or any application not authorized by the commission of the funds derived by the carrier through such sale or other disposition of such securities, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$1,000 nor more than \$10,000, or by imprisonment for not less than one year nor more than three years, or by both such fine and imprisonment, in the discretion of the court.

"(11) After December 31, 1921, it shall be unlawful for any person to hold the position of officer or director of more than one carrier, unless such holding shall have been authorized by order of the commission, upon due showing, in form and manner prescribed by the commission, that neither public nor private interests will be adversely affected thereby. After this section takes effect it shall be unlawful for any officer or director of any carrier to receive for his own benefit, directly or indirectly, any money or thing of value in respect of the negotiation, hypothecation, or sale of any securities issued or to be issued by such carrier, or to share in any of the proceeds thereof, or to participate in the making or paying of any dividends of an operating carrier from any funds properly included in capital account. Any violation of these provisions shall be a misdemeanor, and on conviction in any United States court having jurisdiction shall be punished by a fine of not less than \$1,000 nor more than \$10,000, or by imprisonment for not less than one year nor more than three years, or by both such fine and imprisonment, in the discretion of the court."

Mr. PURNELL. Mr. Chairman, I move to strike out the last word. I expect to support this bill, but I do not want to delay the passage of it, and I ask to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. REED of West Virginia. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUDSPETH. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 81, strike out all of subdivision (6) on said page and insert the following:

"Provided, however, that no such securities, capital stock, bonds, and evidences of indebtedness shall be issued under the act except in the manner and form prescribed by the laws of the State which created such common carrier, and that this section of this act shall not be construed as a limitation of State authority, but only as cumulative thereof."

Mr. HUDSPETH. Mr. Chairman, I am opposed to this bill in its present form—not that I am opposed to returning the railroads to their private owners. I would be glad to do that tomorrow. I am opposed to Government control and Government ownership; likewise I am opposed to legalizing millions and millions of watered stock as is proposed to be done by this bill.

The chairman of the Committee [Mr. ESCH] has stated that this was a national bill; that it was not meant for Texas. In this I wholly agree with him. It is national; national from the enacting clause to the last page; national in every line and in every sentence.

Alexander Hamilton in his palmiest days could not have written a document for a greater centralization of power at Washington. It takes away from the States every vestige of right granted them under the Constitution of the United States and under the constitutions and laws of the several States.

Yes, sirs, I want the roads to go back to the private owners, and in my candid judgment Government control has been a dismal failure; but, sirs, I believe, as Henry Grady so eloquently stated, that the Government should do nothing that the States can do, and the regulation of railroads by our State since the railroad commission was written into our organic law some 30 years ago has proved a success, and the people of the great State of Texas do not want their powers taken away to regulate and control the great railway lines that pass through our State.

I am talking now to men who believe that the Constitution of the great Republic is more than a literary document or an ancient relic of bygone days. I admit, sirs, that it has been terribly mutilated in the last few years, but there is a small fragment of it left, and under it a small vestige of States rights still in existence.

This bill, gentlemen, is the most iniquitous of any measure that has ever confronted me in legislation, and in making that statement I mean no disrespect to the splendid committee that brought this bill out. I have tried to amend it in order to restore to the States and to the various commissions of the different States the right to regulate and make rates intrastate. In this I have been only partially successful. My splendid colleagues from Texas have labored likewise.

To sum up briefly, this bill destroys the antitrust laws of Texas, built up by the splendid brain and long experience of our able attorneys general and the decisions of our splendid courts. This bill destroys forever the stock and bond law of Texas, forced upon the statute books by the great commoner, Gov. Hogg, and which the railroad companies and their splendid and astute attorneys in the past 30 years have never been able to make a dent upon. This bill practically abolishes the railroad commission of Texas and its power to make rates, although the gentleman from Indiana [Mr. SANDERS], who is on the committee, stoutly denies that it does. But I challenge him to point to the saving clause for State regulation.

Gentlemen, the railroad commission law is sacred to the people of my State. Texas is a pioneer in State regulation. This law was advocated by the great commoner who gave the best years of his life in behalf of the people of his State; and his whole life was so interwoven with the tolling masses and his whole thought was for their betterment that he requested that a pecan and a walnut tree be planted at the head and foot of his grave, so that the children of the "breadwinners," as he termed them, for whom he had striven for their betterment, might come and pick the fruit thereof in after years. This bill was written into the constitution of Texas by almost a unanimous vote of the people; and, sirs, they do not want it lacerated and emasculated by this bill.

This bill provides that an agent of the Federal Government can go to any part of my State or any other State and direct the routing of cars or change the routing of cars over any route he may feel called upon to choose, and in that respect, as I have explained in another address before this body, it is placed in his hands to destroy shipments of live stock and farm produce, and the owner would have no recourse against anyone, because the shipment was directed by an agent of the Federal Government. Will the people of my State sanction a high-handed, autocratic grant of power like this? I say, "No; they will not."

Until I forced the chairman to adopt an amendment to paragraph 17 you could not build a line of railroad two miles and

a half under this bill without coming to Washington and the Interstate Commerce Commission and getting a grant of authority. Until the chairman was forced to place on this amendment, which only covers railroads entirely within the State, a short-line road could have been taken over by the superior road and the roadbed taken up by the commission in Washington upon its own ipse dixit, and the people of the State would have been powerless to prevent it.

We have a law in Texas, also a clause in the constitution of the State, preventing consolidation except by the consent of the legislature, or against pooling of roads or against leasing of one road by another. This has all been destroyed by this bill and sole authority on these questions lodged in the great commission at Washington.

The Shreveport case has been written into this bill and has been made the law of the land. For what reason I am unable to understand. The Shreveport case was where the city of Shreveport sued the railroads and the State of Texas was not made a party. Their contention, in my candid judgment, was ridiculous. Their contention was that rates intrastate or within the State of Texas on lumber, coal, sand, gravel, cement, wood, and other products was unjust and a discrimination against the interstate rates from Shreveport into Texas, notwithstanding the fact that Shreveport never shipped a bag of wool in all the days of its life. Shreveport never shipped any sand, never shipped any gravel, never shipped any coal, never shipped any wood; yet the decision of the court which, if correct, is founded upon a wrong principle, held that the intrastate rates on these commodities I have named was a discrimination against the interstate rate from Shreveport to Texas.

You know some autocrat in his mad career said, "The people be damned," and you know what happened to him; and the section engrafting the Shreveport decision into this law, section 314 of this bill, winds up with the remarkable statement, which I quote, "The law of any State or the decision or order of any State authority to the contrary notwithstanding." Section 4 of the Constitution of the United States gives full faith and credit to the decree or decision to be given by one State to another. An acknowledgment taken by the humblest notary public in Connecticut will be given full faith and credit in any court in my State. A judgment in the State of Virginia being filed in Texas in any court in that State, execution will promptly issue. Under this bill the decision of every court in the land is recognized as to every human being, but not as to the railroads. They are exempt and stand in a class, as far as this bill is concerned, above the law.

The gentlemen who appeared before the committee representing the interests and who possibly may have impressed their views into this bill—one David Warfield, representing six billions of railroad securities; one Mr. Rich, of Boston, who represented the Boston & Maine Railway and the Boston Chamber of Commerce; one Mr. Wheeler, vice president of the Union Trust Co., of Chicago—all declared for a centralization of power at Washington and the destruction of the rights of States to control railroads within said States.

Now, I want to say to the chairman of the committee and to the Republicans, who are standing in solid phalanx behind same, for this bill, that if it is your intention to follow up the declaration in your national platform at Chicago when you nominated one Bill Taft, that the right of the States to regulate rates within the States and to regulate railroads within the States should be abolished and all powers be centered in the Interstate Commerce Commission, then it is useless to offer any amendments to prevent invasion of State rights. As much as I would like to see the railroads return to their owners, I can not support a bill the boldness with which it destroys the splendid laws of my State, that any man who would offer to repeal, if he were running for office in my State, would be immediately sent into political obscurity.

Mr. Chairman, if I may be permitted to get in front of the Republican steam roller for a few minutes, I would like to call the attention of the gentlemen of this committee to the fact that this amendment of mine simply is cumulative of this section and prohibits this bill from destroying the stock and bond laws of my State, placed upon the statute books 30 years ago. Under this section you permit the issuance of securities by a railroad company by making application to this commission in Washington. At the time that the stock and bond law of my State was passed you had the Interstate Commerce Commission law on the statute books, and let me say to you that when the great Gov. Hogg forced through the Legislature of Texas the stock and bond law he squeezed out of the stocks and bonds of railroads in Texas millions upon millions of water, and at that time, I repeat, you had your Interstate Commerce Commission law; it was on the statute books. At that time the

stocks and bonds of the railroads of Texas were not worth 5 cents on the dollar in many instances. There were millions of stocks and bonds floating that could not be sold, and no railroad building was going on in that State. Stagnation was on every hand. When that splendid law was put on the statute books, immediately stocks and bonds were made stable, and the country at large knew, and the financial interests in the East knew, that the stocks and bonds of Texas were good because we squeezed the most of the water out of them, said watered stocks you are making legal now by this bill. Railroad building at once began; there was an impetus that had never been known before in the history of the State.

Mr. SANDERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. HUDSPETH. Oh, certainly; I always yield to gentlemen who believe—not—in State rights.

Mr. SANDERS of Indiana. The gentleman is aware that this section contains the provisions of a bill introduced and passed in this House twice, whose author was his colleague, the gentleman from Texas [Mr. RAYBURN].

Mr. HUDSPETH. I am aware of the fact, but let me say this: This is not the Rayburn bill. The Rayburn bill did not take away from the State railway commission of our State the prerogatives of passing on stocks and bonds. It did not destroy the great stock and bond law of Texas. I want to say to my friend that I want to return the railroads to their owners as speedily as possible, and I wish we could do it to-morrow. I am against Government control and Government ownership, but I want to say to you that I do not want to return the railroads to their owners with millions and millions of watered stock legalized by this bill.

Mr. SANDERS of Indiana. Then, I suggest to the gentleman that he vote for this section.

Mr. HUDSPETH. That is what you are doing. If you adopt my amendment and let the tribunals that have always passed on the stocks and bonds of railroads pass on them as they have done in the past and squeeze the water out of them, then stocks and bonds will be stable, and they will be salable in the markets of the East.

I want to ask the chairman of this committee—I see it running through this bill—to please explain to me what he means by "an undue burden on interstate commerce." I yield for an answer.

Mr. ESCH. The gentleman was probably not in the Chamber when I read a part of a decision of the Supreme Court in the Houston case, which is the Shreveport case.

Mr. HUDSPETH. I am familiar with it.

Mr. ESCH. In which it was stated that Congress had power wherever there was an injury to interstate commerce to provide a remedy, and that I construed "injury" to be synonymous with "undue burden."

Mr. HUDSPETH. I think the gentleman must have meant "undue discrimination against interstate commerce."

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HUDSPETH. Oh, you can not get away from the proposition, no matter how much you disclaim. In my judgment this bill is not only an invasion of States rights but puts the iron heel of the Federal Government upon the neck of my State and grinds into the dust every vestige of local State sovereignty and forever destroys the right of my State to make its own laws and regulate its own railroads. For that reason, Mr. Chairman, I shall vote against the bill. [Applause.]

Mr. ESCH. Mr. Chairman, the gentleman complains about watered stock and he wishes us to amend this bill so that the States may have the power to control stock and bond issues. In this bill we are seeking to give that power to a Federal authority. If there is water in the stocks, who is responsible for it except the States? We are trying to create a Federal authority that will have control of the matter. The most remarkable thing in all of the 11 weeks of hearings, in the 3,500 pages of testimony, was the fact that witnesses, irrespective of interest, urged upon us this very provision giving the Interstate Commerce Commission the right to control stock and bond issues, and all of the plans that were presented contained such a provision. We therefore thought that we were representing public sentiment throughout the whole country when we incorporated this provision, which twice before had had confirmation by the House of Representatives. It is true that the Rayburn bill, passed in 1916, and its counterpart, passed in 1914, did give the Interstate Commerce Commission the right to regulate stock and bond issues of every State, including the great State of Texas, and we are here presenting a complete and, we hope, a workable plan to give one central authority the right of control over stock and bond issues. The trouble heretofore

has been that there was no uniformity of control of issues of stocks and bonds, and each State went its own way, to the disadvantage, in my opinion, of transportation as a whole.

But this power in the States to regulate stock and bond issues sometimes, I regret to say, has been exercised for the purpose of securing for the States an undue advantage. There is on record testimony that some of the States, before they would give consent to an issue of stock, said to the railroad company, "We will give our consent, but you have got to spend so many thousands of dollars in this State out of the amount you raise by the sale of such stocks." I do not believe, gentlemen, that we should continue a system which has permitted the issuance of watered stock in years past, that enabled some of the States to exercise an undue power and secure an undue advantage through the issuance of stocks. [Applause.]

Mr. RAYBURN. Mr. Chairman, I move to strike out the last word. Mr. Chairman, anything my colleague from Texas [Mr. HUDSPETH] has said about the splendid law that we have for the control of the issuance of securities of railroads in that State is true. It is also true that many of the States around us, which had their railroad lines running into our State, did not have these good laws. Many of the States of the Union do not have these laws, and yet when the railroads of Texas are honestly managed and honestly capitalized, they are liable to be the prey of the States that lie around us that are not managing their corporations like we do ours. I stand for the rights of my State and I stand for the rights of my State when it has this good law, but when other States around us do not have such a law I stand for my State in that if the States around it will not protect it that the Federal Government should protect it in this matter. [Applause.] Therefore I think it would be very unfortunate to amend this provision or any provision of this law that has been three times thrashed out in this body and passed each time with practical unanimity. It is true it is taking away from the States the right to the control of the issuance of securities in the future, but it is further true, as the chairman of this committee has said, that every organization that appeared before the committee to urge a plan incorporated this feature in its plan. It is also true that the convention of State railroad commissioners of this country, that are jealous of the power and the rights of those commissions, passed a resolution unanimously indorsing the provisions of this bill giving to the Federal authorities the control of the issuance of securities by carriers in the future. [Applause.]

Mr. STEAGALL. Mr. Chairman, I have not taken up any time of the committee during the discussion of this bill. I have been intensely interested in all that has been said and I have maintained an open mind. No man in this House is more anxious than am I to have the Government relieved of the cost and the complications involved in the operation of the railroads by the Government. A year ago, when the bill carrying an appropriation for the continued operation of the roads by the Government was before this body, I made up my mind that I could never favor the policy of Government ownership, and I made my position clear on the question. I decided then and there what my course should be, and I burned the bridges behind me. In my remarks at that time I made clear my opposition to Government ownership and my desire to terminate Government control of the roads. I quote from my remarks on the bill then under consideration:

We were all willing to have the Government operate the railroads during the period of the war and as long after the cessation of hostilities as necessary to wind up affairs in connection with the conduct of the war. When we were in a death struggle with Germany and our boys crossing the ocean in millions, and dying by the thousands upon the fields of France, the patriotic Members of Congress were ready to go the limit to organize the resources of our country in order to support and sustain our forces at the front. The people of the country full approved of our action, but it was distinctly understood that Government operation was to be only temporary and would terminate when the military necessity ceased. I contend that we are bound in good faith to make good our assurances, and that the Government should return the roads in accordance with the understanding upon which they were taken over.

We can not in good faith and consistency take advantage of the power that was entrusted to the Government thus temporarily to fasten public ownership as a permanent policy, nor even to continue experiments. We should do just what we said we would do, and that was to use the roads to win the war and then return them to their owners. When this is done the advocates and opponents of public ownership will have a fair opportunity to fight out the contest of that proposition.

When it was proposed to take over the roads it was insisted that among other advantages to be gained the Government would be able to effect a saving by consolidating management and other economies. But what are the facts? Notwithstanding a burden of approximately \$600,000,000 has been added in six months, from July to December, in freight and passenger charges through the raise in rates the Government has sustained a loss of approximately \$200,000,000. So it will be seen that instead of effecting a saving there has been, directly or indirectly, a loss of over three-quarters of a billion dollars; and that, too, at a time when the vast increase of business afforded unparalleled opportunity to make a profit. Of course, it will be said

that economies will yet be accomplished, but I have no faith in the suggestion. We all know how difficult, if not impossible, it is to abolish or reduce any salary or expense when once fastened upon the Public Treasury.

When we took over the roads we appropriated \$500,000,000 to be used as a revolving fund, and now we are called upon to appropriate three-quarters of a billion more, and the advocates are unwilling to agree upon a time when it shall end, except the period of 21 months after the signing of the peace treaty as fixed in the original act. I am willing to vote for an appropriation to cover all expenditures that have been made and all obligations that have been incurred. This is the proposition embodied in the amendment offered by the gentleman from Texas [Mr. RAYBURN], to limit the present appropriation to \$381,000,000. This fund would be sufficient to discharge all obligations and maintain a working capital of \$247,000,000 in the hands of the administration which was the amount heretofore used and which it is desired to maintain. Without the adoption of this amendment I am unwilling to support the bill. I am opposed in the present condition of the Treasury, to appropriating \$369,000,000 for loans to be made to the railroad companies, and especially without fixing a time when the Government is to be relieved of its burdens in this connection. I want to see the activities of the Government simplified and reduced rather than multiplied and enlarged. I view with great alarm a proposition to increase in such sweeping fashion the centralization of power in the Federal Government and to fasten permanently upon its pay rolls the vast army in the service of the railroads. I am opposed to the effort to temporize with this question or evade responsibility, and for these reasons I can not vote for the bill.

My position thus expressed was taken when no one knew that the drift of sentiment in this country would be what it has been since that time. There were mighty influences favoring Government ownership as a permanent policy, and the prediction was freely indulged on every hand that Government control would never be terminated. I am glad to say now that sentiment throughout the country seems unquestionably to favor restoring the roads to their owners. The American people believe in the great system of competition and individualism under which we have grown so great industrially and politically. They believe that business affairs should be left in the hands of the individual and that the Government should be the umpire in business controversies springing out of the contest for industrial supremacy. There is no mistaking the sentiment of the American people in this regard.

But, gentlemen, we ought not to allow the owners of the railroads of the country to capitalize the sentiment against Government ownership by writing into the legislation returning the roads to them provisions giving them unfair advantages and benefits to which they are not justly entitled. We should not attempt to deceive ourselves in this matter. For my part I favor now stronger than ever the policy of returning the roads to their owners, but when they are returned I want it to be by a law that returns them in fact as well as nominally—a law that not only releases the roads but releases the Government also. The bill before us does not do that. On the contrary, it keeps the Government tied up by obligations to guarantee profits such as the roads have never known before, and practically directs the roads to organize a fight for increased rates. When we took over the roads we provided for a guaranteed return to the owners, but in case any road made earnings in excess of the guaranty the Government got the benefit, which, of course, would help make up any deficits in the accounts of other roads. The bill before us providing for the return of the roads to their owners carries a provision which binds the Government to make good the guaranteed returns to all the roads regardless of their earnings, but in case any road makes more than the guaranteed return, the excess goes into the pockets of the owners.

The bill provides that anything due by the Government to the owners of the roads must be paid, but anything due the Government by the roads is to be carried at the option of the owners of the roads for a period of 10 years. The sum thus to be run by the Government is approximately \$250,000,000. Another provision of the bill makes appropriation of the sum of \$250,000,000 to be used as loans to the railroads during the next two years. It does seem to me that these loans aggregating a half billion dollars ought to satisfy any man, however solicitous of the interest of the roads, without the additional provision carrying guaranteed returns and the direction to raise rates, which everybody knows will be done to the extent of 20 or 25 per cent. The people of the country cried out against Government ownership because of the vast burdens attending Government operation. They are going to be sorely disappointed when they learn that this bill looks to an increase of these burdens along with its enormous subsidy to the roads.

We are told by able members of the committee who reported the bill that it will operate to destroy water competition and nullify the struggle of the people for years and years to utilize the splendid waterways with which we are so bountifully blessed. They tell us, also, that the bill invades further than has ever been done before the rights of the States to deal with

intrastate railroad problems. The measure is rushed in at the close of this session to be put through in haste, when it is well known that it is impossible for any man not a member of the committee that reported it to give to it the study that any measure so important and so technical ought to have. I am not going to accept this bill simply because I am opposed to Government ownership or operation of railroads. The President has already declared his intention to restore the roads to their owners under the law as it was when we took them over, in the event no new legislation is passed. The President served notice on us last May that this would be done. Yet during all these months no bill has been reported providing for the return of the roads until this measure was rushed in at the close of this session, and Members told that we must accept it or be put in the attitude of favoring continued Government operation.

When the roads are released the Government ought to be released and the matter ended. As anxious as I am to be rid of the burden that has proved so trying, I would rather continue operation by the Government for three months or six months or longer, if necessary, in order that we may close and balance the account, than to see an act passed by which we subsidize the roads and guarantee them such unfair benefits and advantages. [Applause.]

I want to say, also, that, so far as I am concerned, I think the time has come when Congress should assert the supremacy of law in the settlement of all disputes between all citizens or any number of citizens throughout this country. [Applause.] We shall all be forced to recognize this sooner or later, and it is much better that we face the fact now than sit by and wait for some development that will accentuate our duty. My friends, whether we do it now or put it off, the time is not far distant when we must meet the issue. I am as much opposed as any man to leaving the men who labor at the mercy of their employers. Under conditions that have existed in the past, the right to strike is a weapon indispensable in the defense of labor, and it should not be destroyed without providing a substitute that will protect the toiling masses of the Nation. We should substitute a reign of law for an appeal to force. I believe that this great Government that offers to the man who toils protection not equaled anywhere else on earth is capable of doing justice in any dispute between any class of employers and employees without leaving them to methods that must disregard millions of disinterested citizens and the possible starvation of helpless women and children whose very lives depend upon the undisturbed processes of production and transportation of the necessities of life. To deny this is to acknowledge our impotency—to confess our scheme of government an ignoble failure. The arbitration scheme embodied in this bill is a meaningless makeshift that gives no protection to the employers and employees themselves, nor to the masses at large who are interested in everything affecting the Nation's welfare. The time has come when all men should be required to trust their disputes, whatever they may be, to legally constituted authority; to submit their controversies to settlement through the instrumentalities set up by the law. In my judgment it is most unfortunate and unwise that men who toil should be taught not to trust their cause to the sense of justice of the American people as expressed through the law of the land. [Applause.]

Mr. HUDSPETH. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. STEVENSON. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. STEVENSON. I move to strike out the last two words of the amendment.

The CHAIRMAN. The gentleman from South Carolina.

Mr. STEVENSON. Mr. Chairman, I think this provision is one that all parties have sought for many years. It is the beginning of the end of the speculative stocks in particular and also of speculative bonds of railroad corporations.

But there is in my mind a little doubt as to whether this provision is going to reach the core of the trouble. This provision applies to "carriers which are subject to this act." Now, get that. "Carriers which are subject to this act" are carriers engaged in interstate commerce to-day, not carriers that may be created and afterwards engaged in interstate commerce. Therefore a railroad that is to-day engaged in interstate commerce, or 120 days from now, will be required to have the proper approval in order to issue its securities. But here is a crowd that want to build a railroad. Until that railroad is built and the cars are running there is no interstate commerce on it, and it is not an instrument of interstate commerce, and it is not provided for in this section at all; and the result is that they

can organize a corporation and get a charter and build a road and never become subject to this act until all the securities are issued and everything is running in great shape.

Mr. TILSON. Mr. Chairman, will the gentleman yield for a question?

Mr. STEVENSON. Yes.

Mr. TILSON. Does the gentleman know of any set of men now outside the walls of an insane asylum that would ask permission to build a railroad? [Laughter.]

Mr. STEVENSON. I am not arguing that question. You are providing for the regulation of the issuance of stocks and bonds, and whether they are ready right now or not, they will be. That is one instance that is not covered by this bill, and the other is where the stocks and bonds are issued by great holding companies that are not subject to the interstate-commerce act, but who operate the instruments of interstate commerce by reason of the fact that they issue stocks and bonds, and hold the stocks and bonds of the instruments of interstate commerce, and then water the stocks that are based on the instruments of interstate commerce. As to these two classes of securities I tell you that the country will be flooded with them, and the next time there is an era of railroad building this will not reach the evil. I call to the attention of the committee the question whether this evil can be corrected or not before they have written this into this bill. I am not speaking of dreams and things of that kind. I have been through that kind of thing. I know how it is done. I have sat around a table and have seen it done. You have not given the cure to the evil when you say that these railroads now in existence shall not issue these securities, because many a railroad will be built and securities issued before the railroad becomes an instrumentality of interstate commerce, and the securities will be issued without limit, and the holding companies that are not subject to this law will acquire the stock, and they will take the stock and issue debentures against them and put water in them whenever they get ready, and in that way they will control the watered stock of railroad companies in this country, and you will have to meet it.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. ESCH. Will it meet the gentleman's point to insert in line 11, page 78, the words "or any corporation organized under this act for the purpose of engaging in transportation"?

Mr. STEVENSON. Yes; but I speak of that also in connection with the holding companies.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. HUDSPETH].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ESCH: Page 78, line 11, after the word "act," insert a comma and the following: "or any corporation organized for the purpose of engaging in transportation subject to this act."

Mr. ESCH. A comma should be inserted after the last "act."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

Mr. THOMAS. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. THOMAS: Page 83, line 19, after the word "thereby," insert the following:

"No railroad corporation engaged in interstate commerce shall own or operate any coal mine or own any stock or other interest in any coal mine, and no person or corporation who owns, operates, or owns any stock or other interest in any coal mine engaged in interstate commerce shall own any stock or other interest in any railroad corporation engaged in interstate commerce. No person who owns any stock in any railroad corporation engaged in interstate commerce shall own any stock or other interest in any coal mine engaged in interstate commerce."

Mr. BLANTON. Mr. Chairman, I make a point of order against that.

Mr. ESCH. Mr. Chairman, I make a point of order on that.

The CHAIRMAN. The gentleman from Texas [Mr. BLANTON] and the gentleman from Wisconsin [Mr. Esch] make points of order against the amendment. The gentleman from Wisconsin will state his point of order.

Mr. ESCH. It is not germane to the section.

Mr. BLANTON. I make the point of order, Mr. Chairman, that the bill nowhere provides for the persons who are permitted to own stock in railroad corporations. It goes outside of the subject of the bill.

The CHAIRMAN. Does the gentleman from Kentucky desire to be heard on the point of order?

Mr. THOMAS. Mr. Chairman, the amendment which I offer to this bill is as follows:

No railroad corporation engaged in interstate commerce shall own or operate any coal mine or own any stock or other interest in any coal mine, and no person or corporation who owns, operates, or owns any stock or other interest in any coal mine engaged in interstate commerce shall own any stock or other interest in any railroad corporation engaged in interstate commerce. No person who owns any stock in any railroad corporation engaged in interstate commerce shall own any stock or other interest in any coal mine engaged in interstate commerce.

Subsection 11 of the bill reads as follows:

After December 31, 1921, it shall be unlawful for any person to hold the position of officer or director of more than one carrier, unless such holding shall have been authorized by order of the commission, upon due showing, in form and manner prescribed by the commission, that neither public nor private interests will be adversely affected thereby.

This subsection relates directly to the position of officers and directors of common carriers engaged in interstate commerce, prohibiting, without the consent of the Interstate Commerce Commission, such officers or directors holding such positions with more than one carrier. The evident purpose of this subsection is to prevent interlocking directorates in the matter of common carriers engaged in interstate commerce. The transportation of coal is a large percentage of interstate commerce, and the amendment I have offered is for the purpose of divorcing the interests of common carriers and coal mines in the business of transportation. The railroads are the carriers and the coal mines the producers of the product transported by the railroads, and if railroads are permitted to own and operate coal mines, and the coal mine owners are permitted to own stock in railroads, their interest will be interlocking as much or more so than if the same persons are permitted to be officers in more than one common carrier, and the public, the independent coal operator, and the coal miner will all suffer in consequence of such unjust combinations. The purpose of subsection 11 is to divorce the interests of different common carriers, so as to prevent such combinations the effect of which will be to raise the price of coal, and the amendment I have offered seeks the same identical thing and is therefore germane and in order.

The Chair is asked to sustain the point of order to the amendment on the ground that it is not "germane." That word "germane" is of most elastic proportions and is used to cover a multitude of sins in parliamentary procedure. The dictionary definition of "germane" is "closely allied," "appropriate or fitting," "relevant," and the amendment I have offered is certainly closely allied, fitting, and relevant not only to the subsection proposed to be amended but to the entire bill.

The country is in the grip of a coal miners' strike of stupendous magnitude, which, if continued, will to a great extent paralyze industry and in addition will cause much suffering to many people over the entire country.

The populace is led to believe, through the statements of interested railroads and profiteering wholesale and retail coal dealers, hawked by some newspapers with cheerful mendacity, that coal miners are receiving exorbitant pay and are growing fat and rich and arrogant on the spoils of their ill-gotten wages.

Mr. TILSON. The gentleman is making a very interesting and entertaining speech—

Mr. THOMAS. Then you ought to listen to it. [Laughter.]

Mr. TILSON. But the gentleman is not discussing the point of order.

The CHAIRMAN. Will the gentleman from Kentucky permit an inquiry from the Chair?

Mr. THOMAS. Yes.

The CHAIRMAN. Does the gentleman contend that to a section providing that it shall be unlawful for any person to hold the position of officer or director of more than one carrier it is germane to offer an amendment providing that a railroad corporation shall not own stock in any other corporation?

Mr. THOMAS. I think so; perfectly. One of the definitions of germane is "appropriate," and I think it is very appropriate. [Laughter.]

As coal miners are now worked in the western Kentucky coal field—and I refer to that field only, though I presume wages are practically the same in all coal fields throughout the country—the average wages of the miner will not reach \$700 a year working eight hours a day, the working days he is furnished employment. This state of affairs obtains to considerable extent because of the manipulation of the coal market by railroads through interlocking directorates with certain coal companies and the ownership of coal mines by railroad companies through a different corporation by another name.

Railroad companies which own or have an interest in coal mines furnish an abundance of cars to such mines, while their competitors in the coal market, the independent coal operators, are not furnished half the number of cars required to ship the

coal they could have mined, and consequently the coal miner is without work half the time because of such unjust and discriminatory manipulation of the means of transportation by the railroad corporations.

The claim that the railroads do not have a sufficient number of cars to furnish the mines a full supply is, to say the least, in my opinion, a thinly veiled fable. They formerly claimed they did not have engines sufficient to transport the commodities of the country, and after the Government supplied an abundance of engines they now claim they have too many engines, and a number are left on the hands of the Government and the railroads will buy them in the end at much less than cost, which, I believe, was the railroad scheme from the beginning.

When it became certain that the miners would strike the 1st of November the railroads immediately rushed a plentiful supply of cars to all the mines for 10 days or 2 weeks prior to the strike. Cars were sent to mines in Muhlenberg County, Ky., in which grass and weeds had grown to a height of 6 inches in the dirt in the bottom of the cars, and the same was the case, I am informed, in parts of the eastern Kentucky coal field.

My information is from a very reliable source that at Olive Hill, in eastern Kentucky, on the Chesapeake & Ohio Railroad, over 135 steel coal cars lay on the sidetrack at that place from November, 1917, until the last of March, 1918, without ever being moved. Such manipulation of the means of transportation deserves a penitentiary sentence for those responsible for such conditions.

The United States Geological Survey has furnished figures purporting to give the average number of days work of coal miners for the years 1910 to 1918, inclusive. For the year 1917 the average is 243 days and for the year 1918 it is 249 days. These figures may be correct so far as they apply to the mines controlled by the railroads, but they are far afield as to the mines, which are the vast majority, controlled by independent operators. The figures of the Geological Survey, if correct—and they are not—show that coal miners are furnished employment all the year around every working day except a little more than 60 days.

My information, which I believe is correct, because it is from men who know all about coal mines and coal mining, the wages of the miner, and the number of days' employment in the course of a year, is, that in the western Kentucky field, in normal times, the miner is furnished employment about half the working days during a year, and that since the armistice was signed he has not been able to obtain, on an average, more than two days' work a week.

In the western Kentucky coal field there is an agreed, written, signed scale of wages between the miners and operators, so that it is not difficult to know just what wages the miners receive. That scale is as follows:

Cutters	per ton	\$9.6478
Helpers	do	0.0474
Loaders	do	0.4519
Day men	per day	3.56-4.35

This makes a total cost per ton of .5471 cents exclusive of the day men. A great majority of the day men receive only \$3.56 per day for eight hours.

The cutters and helpers furnish their own light and the loaders their own blacksmith work on tools, and furnish their own tools, powder, fuse, and carbide paper. A majority of the miners live in company houses and pay high rent, and many of them are compelled to trade in company stores owing to the fact that other stores are not convenient.

About 100 tons per day is an average day's work of eight hours for cutters and helpers and about 10 tons for loaders. It follows, then, that the miners in the western Kentucky coal field make something near \$5 per day for the time they are able to obtain work, which is about half time, and my information is that the wages are about 10 per cent less in the eastern Kentucky field.

The Fuel Administrator states, I am informed, that cost of mining to the operator for a ton of coal loaded on the car is \$1.50. That statement is incorrect, and some one has evidently, either through ignorance of the facts or through pecuniary interest, imposed on the credulity of that important functionary as to the cost, because about \$1 per ton will cover all the cost of the mining alone.

The wages of the cutter, loader, and helper amount, under the above scale, to .5471 cents per ton, and estimating the wages of the day hands per ton the same as the helpers, and they do not receive as much, the total cost per ton on cars is .5945 cents, leaving out of a dollar per ton .4055 cents per ton for part of the upkeep of the mine.

The public seems to rely on the imaginary figures of theoretical fuel administrators, furnished by interested parties, as to the

wages of miners and the cost of coal production, but are unable to detect the enormous profits of the railroads in the transportation of that fuel or the profiteering gains of the retailers handling it.

The Government has fixed the maximum price of bituminous coal on the cars at \$2.45 per ton. The retailer in this goodly city of Washington charges \$7.90 per ton for that same coal delivered in large quantities, and it is fair to assume they charge a larger price for small quantities. The difference between \$2.45 for the coal on the cars and the delivery to the consumer here is \$5.45; that is to say, the miner and operator between them receive \$2.45 for a ton of coal and the railroads and retailers receive \$5.45 for handling the same ton of coal, more than twice as much as the operator and miner receive, and yet there are many ignorant persons who think they are doing God's service by abusing the miner for the high wages he is supposed to receive. Such people ought to be compelled to work in the darkness and dampness and danger of the coal mines a while and perhaps they would change their ideas.

According to the estimate of the Department of Labor the cost of living in recent years has advanced 76 per cent, while the wages of labor has advanced only 43 per cent. Therefore, according to that estimate, the cost of living has advanced 33 per cent more than the wages of labor, and even by that estimate the coal miner should have an advance of at least 33 per cent in his wages to equalize his wages with the advanced high cost of living.

I see it stated in the public press that American coal is being carried to many foreign countries—to England and to many ports heretofore supplied by England—and that American ships have been allotted to the Baltic ports, to China and Japan, the West Indies and South America, to Spain, Italy, Portugal, Greece, Scandinavian and other foreign ports for this purpose. The first duty of the Government is to see that our own country is supplied with coal. We shipped food and other products to Europe with reckless prodigality, which is one great cause of high prices and the high cost of living, and if we do likewise in regard to coal we may expect a scarcity and consequent suffering, and conditions brought about partly by such action as this are unjustly laid at the door of the coal miners and operators.

The coal miner is usually a brawny man who with lamp in cap and pick in hand goes down into the darkness of the earth to excavate coal sufficient to keep the world warm and the wheels of industry turning, and the labor is as uncomfortable as riding on a Washington street car. The pick coal miner does not have to hang onto a strap, as many street car passengers do, but he must lie on his side in damp places and cut tons of coal with a pick. After he has done this for some hours his complexion becomes a rich, greasy Senegambian color, and about the only clean thing about him is his smile, which looks like a great gash in a juicy, ripe watermelon. The coal miner bathes as often or oftener than the pampered, idle son of wealth, who dresses in purple and fine linen and never labors at all but expects the miner to furnish coal at cost to keep him warm, and he puts a great deal more energy into the performance. Coal mining is a very dangerous occupation—in fact, nearly as dangerous as for a Democrat in the Kentucky mountains to tell the truth about Republican politics—and the miner is not considered a good risk by insurance companies. If the miner is not killed by falling timbers or the roof of the mine caving in on him, or kicked to death by a bank mule, or choked or burned to death by mine gas, or blown into kingdom come by a tardy blast, or killed by falling down a shaft by reason of a defective rope, or ground to death by machinery, he may live under some one else's vine and fig tree to a green old age, crippled with rheumatism acquired in the dampness and waters of his subterranean working place, and fully enjoy the vast competence of comparative poverty his exorbitant wages have enabled him to accumulate.

Coal mines should have as many exits as a moving-picture theater, but they have not. They have only two places of exit for use in case of fire or an explosion, both upward, and frequently the miner is unable to reach either and escape to safety. Hundreds of miners' families are trying to exist fighting the high cost of living on the income of the \$800 which the miner earned by getting under a piece of falling slate or getting blown to pieces by mine gas. I have seen a great deal of coal mined and have run for office, and coal mining is not as hard as running for office, but no one should lay too much blame on the miner for striking now and then for a living wage if he is unable to obtain it by arbitration or otherwise.

Strikes should never be indulged in if they can be avoided, as they are disastrous to the striker, to commerce, to business, and the public generally, but the public should not, as it is too often prone to do, forget that the lot of the miner, under the

most favorable conditions, is a hard one, and should remember that "the laborer is worthy of his hire."

The mine owners and operators come in for their share of public abuse, but they have a multitude of troubles of which the public seems to be ignorant. The owner has to look after the upkeep of the mine and see that it is made safe for the workmen; has to look after the machinery and the operation of the mine; has to settle differences with workmen; has to obtain contracts and worry continually over securing sufficient cars to transport the coal to market; and, in fact, a multitude of matters pertaining to the business constantly demand his attention. In addition, the capital put into a mine in the beginning is constantly decreasing, as every ton of coal mined diminishes the capital, and when all the coal of a mine is taken out the original capital is all gone and only the profit the operator is enabled to make out of the business and a hole in the ground is left.

The pending measure is called a bill to return the railroads to private ownership. The name is a misnomer, and the supposition that it means a return of the railroads to private ownership is at once violent and untrue. The bill simply provides for a transfer of name but not a transfer of ownership, power, or operation. At present the railroads are operated under what is denominated a Railroad Administration, and this bill simply transfers the powers of the Railroad Administration to the Interstate Commerce Commission with an enlargement of the powers of that commission in ownership and operation. The bill has some good points, but the objectionable ones far outnumber the good ones. The bill is drawn after the old plan of pernicious legislation in that it embraces some good things with a great number of bad things so as to make the dose taste somewhat palatable and induce Members to support the bad things in order to get the good things. It is a bill sugar-coated with good features designed to conceal the bad features and the railroads are the sole beneficiaries, and the bill should fail to pass.

This bill among other things provides capital to be furnished by the Government to operate the roads and insures the financial future of the roads during a period of six months after the so-called private operation is renewed. I do not know of any other business the Government furnishes capital to operate, and after having appropriated a billion and a quarter of dollars for the benefit of the railroads—called a revolving fund, an appropriate name—and after having guaranteed the interest on railroad securities at a rate equal to that of the three most prosperous years in railroad history—interest at a much higher rate than is paid the buyers of Liberty bonds to fight the war—this bill goes further and guarantees interest on possible watered stock that may be issued by railroads under the authority of the Interstate Commerce Commission during the period of Government insures the financial future of the railroads.

As a sop to Cerberus, the bill creates machinery for the voluntary conciliation of labor. That provision is an impertinent presumption on the supposed ignorance of the laboring man. Labor already has a perfect right to voluntarily arbitrate its wage or other matters.

As a cold bobtailed bluff on the labor question, that provision is equalled only by the old Republican confidence game claiming that a high tariff is necessary on the importation of foreign goods to protect the American workman from the competition of foreign pauper labor, while at the same time foreign pauper labor has been imported by the thousands by these same Republican high tariffs to compete with the American workman. There is no difference in importing foreign pauper-made goods to compete with the product of American labor and importing foreign pauper labor direct to our shores to make the goods to compete in American markets with goods made by American labor except that of the two evils the importation of foreign pauper labor is the worst.

This bill legalizes millions of dollars of watered stock and is a dangerous and iniquitous measure in many respects.

Our Government and laws were established on the principle of commanding what is right and prohibiting what is wrong, and Congress was intended to be the supreme lawmaking power, but in these latter days of the Republic that power has in a great measure been delegated by Congress to numerous swivel-chair commissions, and this bill delegates the lawmaking power as to railroads to the Interstate Commerce Commission under the mistaken idea that the commission, like the king, can do no wrong, and that its judgment is infallible.

In the past the commission has been overreached by smart and not overscrupulous railroad attorneys in the matter of rate making, and it is to be presumed it may fall into the same and other errors about the many matters embraced in this bill. As an example, my information is that the commission for many years established a freight rate of 40 cents a ton less on coal shipped from the southern Illinois and Indiana coal fields to

Chicago, Cincinnati, and other like points than it did from the competitive field of western Kentucky, and that rate was never reduced until the Railroad Administration reduced the rate to a difference of 25 cents a ton which still prevails.

The bill grants autocratic power to a Federal agent to go to any State and change or direct the routing of cars as he may think fit, and places in his hands the power to utterly destroy shipments of live stock, tobacco, farm produce, and other commodities, and owners would be without any recourse whatever by which they could secure compensation in the way of damages. Under this bill, if upheld by the Supreme Court, the railroads stand in a preferred class by themselves, owing no allegiance to the Constitution or any law except the decrees promulgated by the Interstate Commerce Commission. England is supposed to be governed by one autocrat, the King, but we, under this bill, are to be governed as to railroads by 11 autocrats, the Interstate Commerce Commission.

As sure as wind-blown straws show the direction the wind is blowing—and David Warfield, representing \$6,000,000,000 of railroad securities, and Rich, of Boston, representing the Boston & Maine Railway and the Boston Chamber of Commerce, and Wheeler, of the Union Trust Co. of Chicago, and others of the same class, appeared before the committee and urged a centralization of railroad power in Washington, and it seems from the centralization provisions of this bill their pleading was quite effective and secured the delivery of the goods—the Republican steam roller is determined to crush out the rights of the States so far as the railroad problem is concerned, and I predict that the presidential campaign next fall will be a propitious time for the Republican campaign committee to fry the fat out of the railroad corporations.

Railroads do not create a dollar's worth of wealth. They do not produce any wheat, corn, oats, tobacco, potatoes, coal, or any other commodity, yet under this bill the taxpayers are taxed for the sole benefit of the railroads without any corresponding benefit to the public or taxpayers. This bill authorizes 25 year 6 per cent loans to the railroads to the extent of \$250,000,000 without any security except perhaps watered stock, and under this bill for the benefit of the railroads alone the commission is permitted to nullify the antitrust laws so as to permit the consolidation of railroads and permit them to pool their earnings and equipment. It is a great game, and the railroads, through Wall Street, where gather the holders of most railroad securities, played the game to the limit and won, and so far as the railroads and Wall Street are concerned the public can be d—d if the bill finally passes the Senate and becomes a law.

The CHAIRMAN. The Chair is ready to rule. The amendment of the gentleman from Kentucky undertakes to prohibit any railroad corporation from owning stock in a coal mine, and also prohibits any member of the corporation holding any stock in a coal mine from holding any stock in any railroad corporation engaged in interstate commerce.

This section prohibits one person from holding the position of officer or director in more than one carrier unless the holding of such office shall be authorized by the Interstate Commerce Commission. In the opinion of the Chair the amendment of the gentleman from Kentucky goes much beyond the section, and the Chair sustains the point of order.

Mr. ASWELL. Mr. Chairman, on November 6 I charged in this Chamber that the Republican leaders in control of this Congress lack courage and capacity to handle the country's business. The pending railroad legislation is a concrete example. The bill in another body contains a drastic antistrike clause making the Republicans solid with railroad owners. The House bill has no antistrike clause and is timid, wavering, and uncertain in its provisions. Everybody and everything is taken care of except the public. Both the labor unions and the capitalists have all they want written into these bills. The Republican leaders are playing both ends against the middle. Whenever this is done in legislation the people pay the freight.

This proposed legislation, at a cost to the public of many millions, guarantees the standard returns to the railroads for a period of six months and guarantees a further increase of freight rates. No such guaranty has been proposed to any other class of citizens as a result of the war, not even to our returned soldiers, for whom the Republican leaders have made extravagant promises and done nothing.

This bill pledges direct loans of hundreds of millions by the Government to the railroads, does little for short-line roads, nothing helpful to water transportation, and abolishes State control even of intrastate rates.

I want Government control of railroads to end, but I am not willing for the railroads to control the Government, as would result from the passage of this bill. I shall vote against it.

The President has full authority, and he has announced that by Executive order he will return the railroads to private ownership on the 1st of next January.

By unanimous consent Mr. SEARS, Mr. HAYDEN, Mr. TAGUE, Mr. EMERSON, Mr. MOONEY, Mr. BLANTON, Mr. GREEN of Iowa, Mr. EVANS of Montana, Mr. LITTLE, Mr. BURROUGHS, and Mr. PLATT were given leave to revise and extend their remarks in the Record.

The Clerk read as follows:

SEC. 438. Section 24 of the commerce act is hereby amended to read as follows:

"SEC. 24. That the Interstate Commerce Commission is hereby enlarged so as to consist of 11 members, with terms of 7 years, and each shall receive \$12,000 compensation annually. The qualifications of the members and the manner of payment of their salaries shall be as already provided by law. Such enlargement of the commission shall be accomplished through appointment by the President, by and with the advice and consent of the Senate, of two additional Interstate Commerce Commissioners, one for a term expiring December 31, 1923, and one for a term expiring December 31, 1924. The terms of the present commissioners, or of any successor appointed to fill a vacancy caused by the death or resignation of any of the present commissioners, shall expire as heretofore provided by law. Their successors and the successors of the additional commissioners herein provided for shall be appointed for the full term of seven years, except that any person appointed to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. Not more than six commissioners shall be appointed from the same political party. Hereafter the salary of the secretary of the commission shall be fixed by the commission."

Mr. BLANTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 84, strike out all of section 438, beginning with line 8 on page 84 and ending with line 6 on page 85.

Mr. BLANTON. Mr. Chairman, I maintain that it is not necessary to enlarge the Interstate Commerce Commission or to increase the salaries of its members. I submit that there must come a time some day when we are going to begin to use good, common, horse sense—I started to say west Texas horse sense, because that is what we have down there—and retrench our public expenditures. Now, what is the use of raising these salaries to \$12,000 per annum? We have a condition existing right now when a very distinguished, able, and efficient gentleman, in whom the public has the greatest confidence, is about to give up an office paying \$12,000 a year, an office of the greatest honor and distinction, to take a position paying only \$7,500 a year. I want to say that if a United States Senator can serve his country and serve it well on a salary of \$7,500 a year, it is not necessary to pay an Interstate Commerce Commissioner \$12,000 a year. Relative to increasing the membership to 11, why, the Supreme Court of the United States, which handles every bit of the business within its jurisdiction, from the Atlantic to the Pacific coasts of this great Nation, has only 9 members; and I say that the present personnel of the Interstate Commerce Commission is amply large to attend to the business of the country. I say that the President of the United States can continue, as he has done in the past, to find able and efficient men willing to take that position and willing to do the work on the present salary without enlarging it to \$12,000 a year.

I am not going to take any further time of the House in arguing this question, because I believe you are going to pass this bill anyhow, for extravagance is in the atmosphere; but I am going to say now that the best thing on God's earth that could happen for the good of the country and for the good of the people is for this House to adjourn and for the membership to go home and live at least 10 days in the atmosphere of their constituents and out of the atmosphere of Washington. [Applause.]

Mr. GOLDFOGLE. Mr. Chairman, I can not share the views of the gentleman from Texas, that the services of an Interstate Commerce Commissioner are not worth \$12,000 a year. I believe their services are fully worth that, and I hope the time will come when Members of Congress will have sufficient courage to increase their salaries to a proper amount. [Applause.] But I do rise for the purpose of supporting the amendment to strike out the section. There is no reason to enlarge the commission to 11 members. The commission now consists of 9. It is a sufficiently workable body, and to increase it means to make the body unwieldy. More than that, the lawmakers of the present day, and many other Government officials, on the one hand talk economy and retrenchment of Government expenses, and on the other hand too frequently practice waste and extravagance. The fact is that there is no necessity for increasing the membership of the Interstate Commerce Commission.

You may say that it only increases, so far as the salaries are concerned, an amount of \$24,000 a year, \$12,000 for each commissioner, but that is not all. When you come to read the bill you find that there is a general blanket authority to engage attorneys, clerks, accountants, clerical help of every kind without limit excepting in so far as it necessitates an appropriation by Congress that might limit the expense.

Now, we are living in a time when the citizen is complaining of the burdens of taxation, when the people of the country feel that they are already overburdened with Government expenses, and when you undertake unnecessarily to increase the expenses of the Government you at least ought to furnish the people with some reasonable excuse for the increase.

Remember, now, I am not complaining of giving the present commissioners \$12,000 each. I am not complaining of giving adequate compensation to anyone that serves the Government well. Those who know me in this House know that I never have undertaken what I so really condemn—an attempt at cheese-paring. I have never undertaken to do anything which would oppose the granting of a fair, liberal, and just compensation to officials and employees in the Government service, but I do at this time, when I undertake to oppose the unnecessary increase of this commission, protest against adding to the burdens of taxation, when in fact we ought in these days of unrest to call a halt in the attempt to make raids on the Federal Treasury. The people are tired and weary of the Congress imposing on them unnecessary expenditures. I hope the amendment will be adopted. [Applause.]

Mr. SIMS. Mr. Chairman, I move to amend the paragraph. On line 12, page 84, strike out the figures "\$12,000" and insert the figures "\$20,000."

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Amendment by Mr. SIMS: Page 84, line 12, after the word "receive," strike out the figures "\$12,000" and insert the figures "\$20,000."

Mr. SIMS. Mr. Chairman, I make this motion in absolute good faith. I hope it will be adopted. Nobody questions the fact that knows anything about it that they are worth this amount and that the commissioners ought to have it. This House has just voted to guarantee the standard rental return to all railroads making application for increase of rates within a given time, which amount to nobody knows how many million dollars, an absolute subsidy, an absolute gift. I offered an amendment that all compensation to railroad officials above \$20,000 should not be charged up to operating expenses. That was voted down overwhelmingly. Now, Mr. Chairman, if a little vice president of a single railroad system is worth \$20,000, and a big vice president of some system is worth over \$40,000, and the president of the same road \$75,000—there are 208 of these officers of railroads in the United States—why should not the men that represent the people, all the people, as against all the power and influence of this vast army of railroad officials be paid \$20,000?

Mr. LAYTON. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. LAYTON. If the extravagant railroad management had gone to the extent of giving the president \$500,000 a year, would the gentleman base the salary of the commissioners on what was paid those officials?

Mr. SIMS. No; I would not. But the railroad official is a public official. He is an official of a public utility regulated by law. These railroad officials do not create any wealth; they do not create a dollar's worth of property; they do not create a dollar's worth of wheat, or hogs, or cotton which is shipped over the roads, all of which has to be taxed on the people in the way of operating expenses with which to pay these unnecessary and unreasonable salaries.

Now, let the commissioners, who have to do identically the same character of work that these quasi public officials are doing, get at least a decent compensation, for the reason that they have got to stand up against these railroad officials and their attorneys, who have such large salaries, as well as those officials. I hope that the amendment will be agreed to.

Mr. LAYTON. Mr. Chairman, I move to amend the amendment of the gentleman from Tennessee by striking out the figures "\$20,000" and inserting "\$10,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment of Mr. LAYTON to the amendment of Mr. SIMS: Strike out the figures "\$20,000" and insert the figures "\$10,000."

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 50 ayes and 120 noes.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Tennessee.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 4 ayes and 139 noes.

So the amendment was rejected.

The CHAIRMAN. The question is on the amendment of the gentleman from Texas.

Mr. CANDLER. Mr. Chairman, I move to strike out, in lines 5 and 6 on page 85, the language:

Hereafter the salary of the secretary of the commission shall be fixed by the commission.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 85, lines 5 and 6, strike out the following language: "Hereafter the salary of the secretary of the commission shall be fixed by the commission."

Mr. CANDLER. Mr. Chairman, I am opposed to increasing the number of the commissioners to 11, as provided in this paragraph, and I am also opposed to raising the salary of the commissioners from \$10,000 to \$12,000 a year. I favor keeping the commission at the number which it is now, 9, and keeping the salary at \$10,000. I do not hear of any members of the commission resigning, nor do I hear of anybody refusing to accept an appointment on the commission because of the fact that the office does not pay over \$10,000 a year. So long as we can secure men of talent equal to those who occupy these positions now at the salary of \$10,000 a year, and can find 9 men possessing the talent, ability, and qualifications necessary, and who are willing to perform the work required of them at that salary, I see no reason why the commission should be enlarged or the salary of the members of the commission increased. [Applause.]

I am in favor of striking out the provision in this paragraph that "hereafter the salary of the secretary shall be fixed by the commission," because it should be fixed by Congress. It should be definitely fixed by law and the amount not left to the discretion of anybody. The word "hereafter" would make this permanent law, and if that language goes into the bill as it is now, from this time on, unless the provision should be later repealed, the commissioners would fix the salary of their secretary at any amount they might determine. Congress provides for this officer and ought to fix his compensation. We should fix the compensation at a reasonable amount. I presume the salary of the present secretary is entirely satisfactory to him.

Mr. GOLDFOGLE. What is the present secretary's salary?

Mr. CANDLER. It is \$5,000 a year, and seems to be satisfactory.

We are responsible directly to the people for expenditures, and we ought to take the responsibility and fix this salary and not shift it to the commissioners, who no doubt would feel very kindly toward the secretary and out of their kindness of heart might find themselves willing to fix the amount higher than Congress would be willing to fix it here in the law. Therefore I believe it should be fixed by the Congress and fixed definitely. If Congress thinks \$5,000 is not sufficient, it has the power to increase the amount. So far as I am concerned I am in favor of its remaining as it is, and I will not vote to increase it. In any event, let Congress fix it by law. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. GOLDFOGLE. Mr. Chairman, I desire to offer a substitute, which I send to the desk.

The Clerk read as follows:

Mr. GOLDFOGLE offers a substitute for the amendment offered by Mr. CANDLER, as follows: Page 85, line 6, strike out the period at the end of the sentence on line 6 and insert: "not to exceed \$5,000."

The CHAIRMAN. The question is on agreeing to the substitute.

Mr. DENISON. Mr. Chairman, I ask unanimous consent to proceed for five minutes, not on the amendment.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes, not on the amendment. Is there objection?

Mr. COOPER. Mr. Chairman, reserving the right to object, will the gentleman please state upon what subject he desires to talk?

Mr. DENISON. I want to refer in the five minutes to the amendment adopted by the House on rate making and to the provision about labor adjustments.

Mr. COOPER. Mr. Chairman, that labor question has been thrashed out pretty thoroughly here by this House. We spent a great deal of time on the question, and I do not think we ought to open up the subject at this time.

The CHAIRMAN. Is there objection?

Mr. COOPER. I object.

The CHAIRMAN. The gentleman from Ohio objects. The question is on the substitute offered by the gentleman from New York [Mr. GOLDFOGLE].

The question was taken; and on a division (demanded by Mr. GOLDFOGLE) there were—ayes 22, noes 80.

So the substitute was rejected.

Mr. EVANS of Nebraska rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. EVANS of Nebraska. To offer an amendment.

The CHAIRMAN. There are already two amendments pending. The question is on the amendment of the gentleman from Mississippi.

Mr. CANDLER. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection, and the Clerk again reported the Candler amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi.

The amendment was agreed to.

Mr. ESCH. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Committee amendment: Page 85, line 5, after the period, insert: "Hereafter the salary of the secretary of the commission shall be \$7,500 a year."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

Mr. BLANTON. Mr. Chairman, I offer an amendment to the amendment to strike out "\$7,500" and insert "\$6,000."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Strike out the figures "\$7,500" in the amendment offered by Mr. Esch, and insert in lieu thereof the figures "\$6,000."

The CHAIRMAN. The question is on the amendment to the amendment.

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 143, noes 3.

So the amendment was agreed to.

Mr. KITCHIN. Mr. Chairman, I move to strike out the last word. [Applause.]

Mr. Chairman, I have been very much interested in the general debate and in the debate under the five-minute rule, and have not occupied a minute of the time of the Committee of the Whole House. I ask unanimous consent that I may proceed for 15 minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that he may speak for 15 minutes. Is there objection?

Mr. COOPER. Reserving the right to object—

Mr. NOLAN. Mr. Chairman, reserving the right to object, may I ask the gentleman on what subject he desires to speak?

Mr. KITCHIN. I want to show the House that the gentleman from California [Mr. NOLAN], a member of the labor union who spoke for it, and the gentleman from Ohio [Mr. COOPER], an engineer and member of the brotherhood, who also spoke for it, and many other patriotic Members of the House did not understand the provisions of the Anderson amendment when they voted for it. I wish to analyze that amendment and to put the House straight on it. It will take at least 15 minutes to do it.

Mr. NOLAN. Mr. Chairman, I had very little time on that, and I have taken up very little time of the House, and I could not get additional time. The gentleman had his opportunity, and I object.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. KITCHIN. Mr. Chairman, since I have been a Member of the House numerous measures for the relief and protection of labor have had my earnest sympathy and support.

Among other measures, I supported the employees' liability act, the safety-appliance act, the workman's compensation act, the eight-hour law. I supported and helped to prepare the labor provisions of the Clayton Antitrust Act. I supported and helped to prepare the Adamson law. But I now find myself unable to give support to the so-called Anderson amendment, passage of which the labor leaders demand.

On last Friday the Committee of the Whole House voted to put the Anderson amendment in the bill by a vote of 161 to 108. I voted against it then. I shall vote against it, when reported to

the House. When the vote was taken in the Committee of the Whole, the Members had not had time to carefully analyze its provisions. If the membership of the House had taken the time to calmly and carefully analyze its provisions, as I have done, it is inconceivable to me that any considerable number of this House could possibly have made up their minds to vote for it. [Applause.]

I hope gentlemen will not interrupt me by approving, even by applause, what I say, as such applause consumes time, and I have only five minutes. I must talk hurriedly to get in a part of what I wish to say.

Let me at once say that in the so-called Anderson amendment there is not an iota of consideration for the public, for its interest or its safety. In it the public interest was intentionally ignored by the labor leaders who handed it in and demanded its passage. This amendment provides for no arbitration—for no final adjustment. In spite of what its advocates have said here, it provides for no tribunal for the settlement of controversies between the carriers and the employees, between the railroads and the brotherhoods. Under the peculiar provisions of the amendment no decision in disputes of serious import, the very kind of disputes in the settlement of which the public is most concerned and anxious, will ever be made. Even should a decision in any dispute be reached, it is not binding upon either party. There is no way provided to enforce a decision, even if it were binding. No dispute is submitted to any impartial, disinterested persons or tribunal. The dispute is submitted only to the interested parties—to the parties to the controversy. So-called railroad boards of adjustment and commissions on labor disputes are sought to be created by the amendment. Members of such boards and commissions are to be selected one-half by the carriers and one-half by the chiefs of the respective brotherhoods. The public is in no way represented on either.

There is no provision in case the interested parties—these boards and commissions—fail to come to a decision.

There is no appeal tribunal to hear and determine in case of such failure.

Either the carrier or the brotherhood chief can nullify the amendment, should it become law, by failure to appoint its members. No provision is made, as is in the committee bill, for creation of the board or commission by appointments by the President or other Government official in case the carrier or brotherhood chief refuses or fails to appoint. No one can be appointed on either the board or commission to represent the public, as was provided for in the committee bill.

The boards and commissions are composed only of parties interested in the dispute. The parties to the dispute only are called upon to adjust their differences and settle the dispute.

It is as if I had a serious controversy with the gentleman from Maryland [Mr. LINTHICUM], and the House should say, "If you and LINTHICUM can not settle your dispute, let LINTHICUM appoint three members of his family and you appoint three members of your family, which shall constitute a board of adjustment to settle the controversy, which board shall try to reach a decision, with the understanding that such decision shall not be binding or enforceable on either, and with the further understanding that LINTHICUM alone, in his discretion, shall have the power to refer or not to refer the dispute to the board."

How by such method could LINTHICUM and I ever settle any serious dispute between us? If such "board" should make a decision, it would be neither binding nor enforceable. Each would have all the rights and remedies he had before. What intelligent man would call that arbitration? What intelligent man would call that a "board of adjustment" or a "tribunal" to adjust the dispute? What intelligent man would call that a proper or a sensible or a just method of settling our controversy? That is the Anderson amendment.

I can not within my short allotted time bring to your attention a full analysis of this amendment, as I had hoped to do had not the gentleman from California [Mr. NOLAN] and the gentleman from Ohio [Mr. COOPER] objected to my having 15 minutes as requested. But before my time expires I do want to call attention to one remarkable feature in it, and then ask if there is any Member of this House, member or not of any labor union or brotherhood, who is willing to let his people know that he voted for such a one-sided, arbitrary, unreasonable, impotent measure as this amendment is on the ground that it establishes a "tribunal for the settlement of disputes between the carrier and the employees" or in the hope that any serious dispute affecting the public will or can ever be settled under its provisions?

In the speeches of the gentleman from Ohio [Mr. COOPER], a member of the brotherhood, and of the gentleman from Cali-

forma [Mr. NOLAN], a member of the labor union, and of other gentlemen who advocated the amendment, it was time and again emphasized that under its provisions a tribunal was established to be called the railway boards of adjustment and the commission on labor disputes "before which all disputes, all matters of controversy, between the carrier and the employees could and must be referred for settlement." Members were evidently misled by these speeches into the belief that the carrier, the employee, and the Government, representing the public interest, had the right to refer any such dispute to such boards for hearing and adjustment. I am confident that these gentlemen did not intentionally mislead the House. They simply did not understand the amendment.

Gentlemen, there is no provision compelling such disputes or controversies to be referred to such boards or to any tribunal. There is no provision giving the carrier or the Government, in behalf of the public, the right to have any dispute or controversy so referred.

The right, the privilege of referring any such dispute to such boards is given solely to the discretion of the "chairman of the general committee of employees." When the "chairman" decides to exercise his discretion in favor of referring, he must first refer the matter to "the chief executive officer of the organization"—or brotherhood—to pass on the reference to the boards. "The chairman" may or may not choose to have the matter referred. If he chooses not, no reference by anyone can be had. The carrier has no choice, the Government has no choice, the public has no choice. The choice is with such "chairman" and then with such chief of the brotherhood. The carrier may petition and beg this "chairman of the general committee of employees" to refer the dispute for settlement to the board of adjustment—to this so-called "tribunal" which the labor leaders forced into the Anderson amendment—he or the chief of the brotherhood can shake his head with a "no," and there it ends. The President of the United States in his anxiety for the public interest and safety, even in such a situation as menaced the entire country in 1916, may beg and petition this "chairman" or this "chief of the brotherhood" to refer the controversy for settlement to the tribunal—the boards of adjustment—written into the Anderson amendment by the labor leaders—to their own created tribunal—he can shake his head with a "no," and there it ends. His approving nod is absolutely necessary for any reference of any matter on any occasion, however urgent, in any situation, however grave.

What Member or Members who voted for the amendment knew that such a remarkable one-sided provision was in it? Turn to page 7 and let me read it. I remind you that this provision limits and qualifies and makes meaningless other preceding provisions declaring that if any question or dispute can not be adjusted in a conference between the carrier and employees, "it shall be referred to the appropriate board of adjustment." This language in the first part of the amendment no doubt misled many Members. I will read, now, the provision—you will observe that it contains remarkable features other than the one to which I have alluded.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KITCHIN. I ask unanimous consent to proceed for five minutes more. I am anxious to read to the Members at least this provision.

Mr. NOLAN. Mr. Chairman, I must object to anybody talking on the antistrike provision.

Mr. KITCHIN. I am not talking nor do I propose to talk "on the antistrike provision." There is no such provision in the committee's bill or in the Anderson amendment. I simply wish to analyze and expose further the Anderson amendment.

The CHAIRMAN. The gentleman from California objects.

Mr. MONDELL. Mr. Chairman, we are approaching the close of the consideration of the Esch railroad bill, which has been before the House seven legislative days, during which time the House has met at 10 o'clock in the morning and on two occasions sat late into the night. Taking into consideration these early and late sessions and that no other business has been allowed to intervene, the bill has been considered a period of time equivalent to 10 ordinary legislative days.

During that period the bill has been carefully considered, its provisions thoroughly discussed, and some important amendments adopted. In my more than 20 years' experience in the House I have known no piece of legislation more carefully, earnestly, intelligently, and systematically considered than this bill. Its provisions do not all suit me, but they embody the views of the majority as developed in the subcommittee and the Committee on Interstate and Foreign Commerce during months of careful consideration and of the Committee of the Whole arrived at in the thorough manner to which I have

referred. As a whole the legislation is sound, sane, and sensible and entitled to the support of every Member on this floor, whatever his view may be with regard to some one or more of the many provisions of the bill.

Mr. BLANTON. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. That the gentleman from Wyoming is not speaking to anything before the House now with reference to the paragraph under consideration.

Mr. BARKLEY. I hope the gentleman will not make that point of order.

The CHAIRMAN. The Chair is unable to say at this point to what the remarks of the gentleman from Wyoming are directed and he overrules the point of order for the present.

Mr. MONDELL. In all of my legislative experience I have never known of a piece of legislation containing many provisions dealing with important subjects all of the provisions and features of which were just what any one individual would have had them, for all sound and sane legislation properly considered is the result of the composite rather than the individual opinion. That being so, it more nearly reflects the opinion of the country than legislation entirely satisfactory to any one individual could possibly do.

The time will never come when such a piece of legislation can be so drawn that every one of its provisions is entirely satisfactory to all those who support it.

Judging from my own experience, Members have been absolutely deluged with telegrams, differing somewhat in their requests and demands, but all of them coming from certain sources, urging a vote against this bill, and most of them for a continuation of Federal control for two years. Boiled down to their real substance, these telegrams are in the interest of the so-called Plumb plan and propose delay in action with the view or hope of the enactment of the Plumb plan.

I regret there is anyone so ill-advised as to the temper and good judgment of the American people as to imagine that the so-called Plumb plan or anything like it can be written upon the statute books of the Nation. [Applause.] It is rather difficult to properly characterize that so-called plan in temperate and parliamentary language. The mildest criticism that can be made of it is that it contemplates the establishment in America of a privileged class—the class that happens to be at any given time in the employ of the railroads of the country. It is proposed on behalf of this class to run the railroads, they getting the profits and the balance of the community paying the deficits and footing the bills. I can only explain the support of this indefensible plan by many railway employees whom I believe to be honest and well-meaning on the theory that they have never read the plan or had it explained to them, and that they do not understand what it proposes or contemplates, for I can not comprehend anyone supporting the plan who thoroughly understands it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. I ask that I may have one minute more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. And it is the Plumb plan and its proponents that are behind many of the telegrams opposing the passage of this bill, and with gentlemen fully understanding that I anticipate practically unanimous support of the measure.

The question before us now, gentlemen, is not do we fully approve each and all of the many provisions of this bill, but do we want to have legislation pass the House that will provide for the return of the railroads to their owners and to private control under conditions that in the main, at least, are fundamentally sound? The passage of such legislation in the expectation that the consideration in the Senate and in the conference will perfect the measure and give us a sound, sane, and workable piece of railway legislation. [Applause.]

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. LAZARO. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. All time has expired. [Cries of "Vote!"] For what purpose does the gentleman from Louisiana rise?

Mr. LAZARO. To ask unanimous consent that the gentleman from Wyoming be given one minute in which to answer a question.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent that the gentleman from Wyoming may proceed for one additional minute. Is there objection?

Mr. WILLIAMS. I object.

Mr. SEARS. Mr. Chairman, I make the point of order that the gentleman did not rise in his seat to object.

Mr. WILLIAMS. I object.

The CHAIRMAN. The gentleman from Illinois [Mr. WILKINS] objects.

Mr. FLOOD. Mr. Chairman, I ask unanimous consent that the gentleman from North Carolina [Mr. KITCHIN] may be allowed to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the gentleman from North Carolina may be allowed to proceed for 10 minutes. Is there objection?

Mr. NOLAN. I object.

The CHAIRMAN. The gentleman from California objects.

Mr. FLOOD. Mr. Chairman, I modify my request and ask that the gentleman from North Carolina be allowed five minutes.

Mr. NOLAN. I object.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the gentleman from North Carolina be allowed five minutes. Is there objection?

Mr. NOLAN. I object.

The CHAIRMAN. The gentleman from California objects. The question is on agreeing to the motion of the gentleman from Texas [Mr. BLANTON].

Mr. GARLAND. Mr. Chairman, I move to strike out the last three words.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last three words.

Mr. GARLAND. Mr. Chairman, I am opposed to the statement made by the gentleman from North Carolina [Mr. KITCHIN] that—

Mr. BLANTON. Mr. Chairman, I make the point of order that the gentleman is not speaking to anything that is before the House.

Mr. GARLAND. I desire to speak in reference to the statement made by the gentleman from North Carolina.

Mr. BLANTON. I make the point of order that the gentleman is speaking out of order.

The CHAIRMAN. The Chair will state to the gentleman from Pennsylvania that if a point of order is made, the gentleman will be compelled to confine himself to the motion he made to strike out the last three words.

Mr. GARLAND. The motion is to strike out the last words; and, Mr. Chairman, I think the last three words ought to be stricken out, for the reason that an attempt is made to create the impression that the Anderson amendment does not function as it was intended to do and as it does.

Mr. SANDERS of Virginia. Mr. Chairman, I make the point of order that the gentleman is out of order.

Mr. NOLAN. Mr. Chairman—

The CHAIRMAN. The Chair sustains the point of order. The question is on agreeing to the motion of the gentleman from Texas.

The question was taken, and the motion was rejected.

Mr. JOHNSON of Washington. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. JOHNSON of Washington offers an amendment, as follows: After line 6, page 85, insert a new section, as follows:

"Sec. 25. Section 15 of the commerce act is hereby further amended by adding at the end thereof a new 11 paragraph:

"It shall be unlawful for any United States carrier or carriers by rail or water to participate in the continuous or interrupted transportation of passengers or property from any place in the United States through a foreign country to any other place in the United States, where the through rate, or through charge by combination of rates for such transportation, whether by rebate, by absorption of storage charges, office charges, or any other charge or charges, or in any manner whatsoever was less than the through rate or through charge by combination of rates between such points filed with the Interstate Commerce Commission applying at such time for like transportation by the United States carriers by rail or water or by rail and water."

Mr. SANDERS of Indiana. Mr. Chairman, I make the point of order against that amendment, that it is not germane. It is not germane to the bill and it is not germane to section 15 of the original act which it purports to amend. And I call the attention of the Chair to the fact that the ruling of the Chair earlier this afternoon was exactly upon the point that this was not germane to any part of the original section 15. As a matter of fact, Mr. Chairman, it is not germane to any part of the bill—of the original bill or this bill. It is clearly not germane to section 15, and inasmuch as it is a proposed amendment of a section of the original bill it must also be germane to that section.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to strike out the word "fifteen," so that it may be offered as an entirely new section of the bill. That will meet the objection.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to strike out "fifteen" from his amend-

ment. If it is modified it will still be subject to a point of order. Is there objection?

There was no objection.

Mr. SANDERS of Indiana. Mr. Chairman, I renew the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. JOHNSON of Washington. Then, Mr. Chairman, I offer the amendment to read as follows.

The CHAIRMAN. The Clerk will report it.

Mr. SANDERS of Indiana. I ask unanimous consent, Mr. Chairman, since the body of the amendment is the same, that nothing except the introduction shall be read.

Mr. JOHNSON of Washington. That is satisfactory.

The Clerk read as follows:

Mr. JOHNSON of Washington offers to amend by adding a new section following line 6, on page 85, to be known as section 25, as follows:

Mr. JOHNSON of Washington. The Clerk need not read the remainder of the amendment, as it has already been read.

Mr. SANDERS of Indiana. I make the point of order against the amendment.

The CHAIRMAN. Does the gentleman from Indiana desire to be heard in support of his point of order?

Mr. SANDERS of Indiana. Mr. Chairman, I simply wish to make this suggestion: That the proposed amendment of the gentleman from Washington, as now offered, does not attempt to amend the commerce act as such. It is merely an amendment to this bill. Therefore, it must be germane to this bill and to the amendments to the commerce act amended by this present bill. Hence that narrows the scope of it when you consider the question of germaneness.

But, Mr. Chairman, I am not going to repeat the argument I made earlier in the afternoon that this is clearly not a regulation of interstate commerce. It does not deal with any question or regulation within the four corners of this bill, and it is not germane to this bill, but it is a clear prohibition against the carriage by certain carriers in this country of any freight at all.

Mr. JOHNSON of Washington. Mr. Chairman, I call attention to the fact that section 400, on page 39, reads as follows:

The first five paragraphs of section 1 of the commerce act, as such paragraphs appear in section 7 of the commerce court act, are hereby amended to read as follows:

"(1) That the provisions of this act shall apply to common carriers engaged in—

"(a) The transportation of passengers or property wholly by railroad, or partly by railroad and partly by water when both are used under a common control, management, or arrangement for a continuous carriage or shipment; or

"(b) The transportation of oil or other commodity, except water and except natural or artificial gas, by pipe line, or partly by pipe line and partly by railroad or by water; or

"(c) The transmission of intelligence by wire or wireless;—from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, or from one place in a Territory to another place in the same Territory, or from any place in the United States through a foreign country to any other place in the United States, or from or to any place in the United States to or from a foreign country.

Further, I call attention to the fact that since previously offered, I have stricken out all reference to the Shipping Board. I have reduced the relation of the amendment entirely to a matter that would relate to railroad cargoes starting in the United States, leaping into outside territory and receiving there a rebate or concession in any form, given for the purpose of getting that business away from the railroads of the United States, which are not permitted to give those rebates, and then that cargo leaping back into the United States. That is all there is to it. I contend that it is clearly in order.

Mr. CLEARY. Mr. Chairman, is this on the point of order or is it discussing the merits of the amendment?

The CHAIRMAN. This is a discussion of the point of order. The gentleman from Washington offers an amendment by way of a new section to provide that—

It shall be unlawful for any United States carrier or carriers by rail or water to participate in the continuous or interrupted transportation of passengers or property from any place in the United States through a foreign country to any other place in the United States, where the through rate or through charge by combination of rates for such transportation, whether by rebate, by absorption of storage charges, office charges, or any other charge or charges, or in any manner whatsoever is less than the through rate or through charge by combination of rates between such points filed with the Interstate Commerce Commission applying at such time for like transportation by the United States carriers by rail or water or by rail and water.

He offers this as a new section to the bill. The bill provides for various amendments to the interstate commerce act, and the Chair is of the opinion that the amendment proposed by the gentleman from Washington is germane to the provisions of the bill, seeking to amend the commerce act in different particulars, but in a manner germane to the substance of its provisions, and the Chair overrules the point of order. The question is on the amendment of the gentleman from Washington.

Mr. CLEARY. Mr. Chairman, I want to oppose the amendment. In order to understand what this will do to one section of the country, I wish to call attention to the conditions: First, I will lay out the territory. Steamers coming down from the Great Lakes through the Welland Canal, which is in Canada, come into Lake Ontario and then come over to Oswego, which is in the State of New York, on Lake Ontario. About a month ago I was invited by the superintendent of public works to go to Oswego with a party, the governor and others, to talk about the erection of a great elevator in Oswego, which is one of the terminals of the New York State Barge Canal. I am laying this before you without very much discussion either way, to show what it might do. Here is the grain from the Northwest, which comes down the Lakes, and instead of stopping at Buffalo it comes on through the Welland Canal, which we are permitted to use just as if it was ours, and then through Lake Ontario into Oswego. That is the transportation route which this amendment seeks to prohibit, to hinder, or to make difficult. That should not be done, because if that grain instead of going into a port of the United States goes on down out of Lake Ontario through the St. Lawrence River, by way of Montreal and Quebec, New York loses the commerce and the United States loses the commerce, and it goes directly to Europe by the Canadian routes. We should not do anything that would block the commerce of the Northwest from coming in through New York and making it American commerce, and the same way with commerce going back over the same route. We ought not to do anything that would discourage that. It is a great route, and there are lots of people who think that as the canal develops and is finished there will be a great deal of traffic. In years gone by there was a great deal of traffic, a great deal of barley and other grain coming down by way of Oswego, and we must not do anything that will hinder the United States from getting that commerce that otherwise might go out through the St. Lawrence River. That is my objection to the amendment. [Applause.]

Mr. JOHNSON of Washington. Mr. Chairman, I am much interested in the statements of the gentleman from New York [Mr. CLEARY]. His position is all right, but my amendment does not affect the commerce of which he speaks, unless rebates are granted. Any grain coming down through the Welland Canal, if it pays the rates required under our interstate-commerce laws, can come, all well and good. As a matter of fact, there is but a comparative handful of wheat coming that way. We know that the railroads of Canada handle the wheat.

Mr. CLEARY. May I ask the gentleman a question?

Mr. JOHNSON of Washington. Yes.

Mr. CLEARY. Are there not millions of bushels coming down that way?

Mr. JOHNSON of Washington. Yes; but it will continue to go by way of Oswego if it pays the rates established by the United States Interstate Commerce Commission, and if it does not pay United States rates it ought not to come down by way of Oswego.

The commodity referred to by the gentleman from New York is a drop in the bucket compared to all of the business which the amendment I offer might affect. The Canadian Pacific Railroad has increased its business, even during the war times, so that its dividends are above 10 per cent per annum, and the stock is quoted far above par—I think 150. The stocks of the American competitors on this side of the line are below par, and some of the competing roads are not doing a profitable business. We pass laws and regulations for commerce in the United States that drive commerce across the line. The amendment seeks to correct this situation. As this is in order, Mr. Chairman, I would like a vote of the committee.

Mr. GRIGSBY. Mr. Chairman and gentlemen of the committee, I do not understand the purpose of this amendment, as far as the rest of the United States is concerned, but I do understand the purpose of it as far as it affects the Territory of Alaska. As you all know, the Territory of Alaska has no transportation facilities connecting it with the United States except by water. We have the benefit of no rail competition except the Canadian railways. There is no competition with the American steamship lines except the Canadian steamship lines, and the Canadian railways. The greatest drawback to the development of Alaska, with the possible exception of the conservation policy that has been adopted toward that Territory for the last 13 years, is the high cost of transportation. The policy of the Government to-day is to develop Alaska.

Now comes the gentleman from Washington with this provision which if passed will increase both freight and passenger charges to and from the Territory of Alaska. Since the purchase of Alaska in 1867 the Territory has exported products to the value of nearly \$1,000,000,000. Her total commerce has been about \$1,300,000,000. Probably 50 per cent of the value of

her products has been paid out in transportation charges. High transportation rates have been a great obstacle in the development of the country ever since the gold rush of 1898.

There are two American steamship lines engaged in Alaskan commerce—the Alaska Steamship Co. and the Pacific Steamship Co. The only competition they have is that afforded by the Grand Trunk Pacific Canadian Railway, the terminal of which is at Prince Rupert, and the Canadian Pacific, with a terminal at Vancouver, and the Canadian steamship lines.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. GRIGSBY. Yes.

Mr. JOHNSON of Washington. Prince Rupert is a Government subsidized town with the few in it paid by the Canadian Government.

Mr. GRIGSBY. This amendment is an attempt to subsidize the Alaska and Pacific steamship companies, and it should be defeated. I am not an enemy to any home industry, whether a railroad industry or a steamship industry, but I am against a monopoly. Pass this amendment and we are at the mercy of these companies.

If it is necessary and advisable to enact legislation to protect American steamship lines and American railways, it should be done in some other way than at the expense of the shippers and traveling public of the Territory of Alaska.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. GRIGSBY. Yes.

Mr. JOHNSON of Washington. Does not the gentleman realize that water transportation is taken in; that it is under the Interstate Commerce Commission and under the control of this bill. The commission has been fair to the United States and will be fair to the Territory of Alaska.

Mr. GRIGSBY. Up to this time and since its creation, the Shipping Board has had the power to control water transportation rates to and from Alaska. The Interstate Commerce Commission has controlled the fixing of rates where the transportation is partly by rail and partly by water. Under this amendment, if rates are fixed or established by the Interstate Commerce Commission between Alaska and points in the United States, it will be unlawful for the Canadian lines to fix lower rates to the same points in the United States; that is to say, it will be unlawful for any United States carrier by rail or water to participate in any continuous transportation of passengers or property from any place in Alaska through Canada to any other place in the United States at a lower rate than the rate fixed by the Interstate Commerce Commission for American carriers between the same points. If a through rate is established for American lines from Juneau or Ketchikan, Alaska, to Chicago by the way of Seattle, the Grand Trunk Pacific, though the haul is two or three days shorter and naturally cheaper, will be compelled to charge as high a rate. In other words, the people of Alaska would be deprived of the benefits of the short haul to the East—that is, of the lower rate. The penalty is on the people of Alaska. What they need is the lowest possible transportation rates. Transportation charges have advanced tremendously within the past few years. They are now so high as to practically prohibit new development.

The last Legislature of the Territory of Alaska, as a remedy for this condition, appropriated \$300,000 for the purpose of chartering ships from the Shipping Board in order to get away from the destructive rates of the Alaska and Pacific steamship companies. This amendment is designed to enable those companies to still further advance the rates by a prohibition against any lower rate over the foreign lines than the domestic lines are allowed to establish. As between the people of Alaska and the steamship companies engaged in Alaska commerce, this House should favor the people of Alaska by defeating this amendment.

The CHAIRMAN. The time of the gentleman from Alaska has expired; all time has expired. The question is on the amendment of the gentleman from Washington.

The question was taken, and the amendment was rejected.

Mr. McDUFFIE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Add a new section, on page 86, as follows:

Sec. 26. That any common carrier, railroad, or transportation company receiving property for transportation and delivery from another common carrier, railroad, or transportation company, where the original contract of shipment is to carry or transport such property from a point in one State, Territory, or District of the United States to a point in another State, Territory, or District of the United States, shall be liable to the lawful holder of the receipt or bill of lading issued by the initial receiving common carrier, railroad, or transportation company for any loss, damage, or injury to such property caused by it or any common carrier, railroad, or transportation company to which such property may have been delivered or over whose lines such property may have passed, and no contract, receipt, rule, or regulation shall exempt such carrier, railroad, or transportation company from

the liability hereby imposed: *Provided*, That nothing herein shall deprive any holder of such receipt or bill of lading of any remedy which he has under existing law: *Provided further*, That the common carrier, railroad, or transportation company shall be entitled to recover from the common carrier, railroad, or transportation company on whose line the loss, damage, or injury shall have been sustained the amount with interest of such loss, damage, or injury it may have been required to pay to the holder of such receipt or bill of lading, as may be evidenced by any receipt, judgment, or transcript thereof.

Mr. SANDERS of Indiana. Mr. Chairman, I make a point of order that this amendment is not germane. The amendment deals with the question of the liability of transportation companies to claimants by reason of damage, and it is not germane to any provision of the bill nor germane to this particular title.

The CHAIRMAN. Does the gentleman claim that it is germane to any section of the commerce act?

Mr. McDUFFIE. It is probably true that it is not germane to that particular title of the act, yet in this bill we are dealing with the liability of common carriers, and I call the attention of the Chair to paragraph 12, which has been reenacted by this bill, of section 20 of the commerce act. Properly speaking this amendment probably should have been inserted after that paragraph. That paragraph reads as follows:

That the common carrier, railroad or transportation company issuing such receipt or bill of lading shall be entitled to recover from the common carrier, railroad or transportation company, on whose line the loss, damage, or injury shall have been sustained, the amount of such loss, damage, or injury as it may be required to pay to the owners of such property, as may be evidenced by any receipt, judgment, or transcript thereof.

The CHAIRMAN. From what is the gentleman reading?

Mr. McDUFFIE. I am reading from the twelfth paragraph of section 20 of the commerce act, which this bill is amending. It is on page 53 of the copy of the commerce act, as amended. We have just reenacted the twelfth paragraph. I think certainly this is germane to that paragraph.

The CHAIRMAN. In what provision of this bill have we reenacted the twelfth paragraph?

Mr. McDUFFIE. On page 77 of the bill, line 4, we reenacted the twelfth paragraph.

The CHAIRMAN. The twelfth paragraph was not reenacted, it was amended.

Mr. McDUFFIE. I should have said amended by inserting the figure "12" before the paragraph.

Mr. SANDERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. McDUFFIE. Yes.

Mr. SANDERS of Indiana. The gentleman is aware, however, that we have passed all amendments to section 20 of the bill and are now dealing with section 25. Is not the gentleman's amendment subject to a point of order under the rule that an amendment inserting an additional section should be germane to the portion of the bill to which it is offered?

Mr. McDUFFIE. I said that I thought it properly belonged at the other end, but I think this is a very important matter, and the committee should consider it. If a piece of freight is shipped from the city of New York to south Alabama, the delivering carrier can not be sued unless it be established that the delivering carrier caused the loss or damage. We have to fix the liability on the intermediate carrier and the other carrier on back to the initial carrier. If the initial carrier is responsible under its contract to the delivering carrier, then I say that the delivering carrier under this amendment may be made also responsible, and where a loss occurs on the line from New York to Alabama let the carrier on whose line the loss occurred be liable to the delivering carrier. In other words, it saves the man in Alabama from going to the State of New York to sue the initial carrier.

Mr. GARRETT. Mr. Chairman, I direct the attention of the Chair to the fact, for whatever it may be worth, that the section to which the gentleman is referring was put on as an amendment to the railroad bill, which was the commerce act, that passed the Fifty-ninth Congress. Whether that is worth anything to the Chair, I do not know, but it was put on in the Senate. It seems to me that this is germane to the subject matter of the bill.

Mr. McDUFFIE. Mr. Chairman, I ask unanimous consent to return to paragraph 12, on page 77, for the purpose of offering this amendment at that point.

Mr. SWEET. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Iowa objects. The gentleman from Alabama [Mr. McDUFFIE] offers an amendment to insert a new section at this particular place in the bill which deals with matters covered in paragraph 12, which deals with a common carrier issuing a receipt or bill of lading conferring the right to recover from the common carrier or transportation company, and he offers it as a new section. It is not germane to the previous section, which it follows, but in the opinion of the Chair it is germane to a provision of the bill, and merely

creates an additional right or remedy and applies to other than initial carriers. The Chair therefore overrules the point of order. The question is on the amendment offered by the gentleman from Alabama.

The question was taken; and on a division (demanded by Mr. McDUFFIE) there were—ayes 89, noes 148.

So the amendment was rejected.

Mr. BRIGGS. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 85, after line 6, insert as a new paragraph, to be known as section 438a, the following:
"Nothing in this act shall be construed to amend, repeal, impair, or affect the lawful police regulations of the several States."

Mr. BRIGGS. Mr. Chairman, there are so many provisions in this bill which confer great power upon the Federal Government and its agencies that I am very fearful they may be construed as trenching upon the police powers of the several States. There are some who do not agree with that conclusion, who do not think that the bill will have that effect or does have that effect, but the police powers are of such importance to the several States of the Union that no question ought to remain in respect to it. Express provision was made even in the war time control act for the reservation of the police powers to the several States, and I think it is highly essential that a provision of similar character should be incorporated in the present bill.

To give you an illustration of the necessity for this: In my State some time in the eighties the State of Texas and the county of Anderson granted to the International & Great Northern Railroad Co. not only land, but Anderson County granted it a bond donation upon the stipulation and express agreement that it would locate at that point forever after its machine shops and its general offices. The railroad company observed that agreement and regulation until the year 1911, when the property was sold out at receiver's sale. The purchaser moved the general offices from Palestine, Tex., to Houston, Tex. In 1889 the State of Texas enacted a statute which provided that where a railroad company and any political subdivision of the State had entered into an agreement for the location of its general offices and machine shops at a given point along its line which had aided such road by an issue of bonds, and that agreement had been carried out and the location made, no change should be made therein, even if the original railroad organization consolidated with another railroad.

When the general offices of the International & Great Northern Railroad were changed from Palestine and moved to Houston the people of Anderson County sought to restrain that action. The case was tried out through the courts of the State of Texas and finally decided by the Supreme Court of the United States, which upheld the validity of the contract and of the State statute as being a valid police regulation which must be observed. It cost the people of Anderson County \$25,000 to carry that proceeding through the courts, and they have also had to provide a \$200,000 building and spend on it \$25,000 more to get those offices back by giving to the director general the use of such building upon a nominal lease for the office force; and I may add the Director General of the Railroads has now brought those offices back to the city of Palestine, Tex.

The case is strongly and forcibly stated in the letter, which I adopt as a part of my remarks, from Messrs. Campbell & Sewell and Mr. A. G. Greenwood, of Palestine, Tex., eminent Texas lawyers, who so ably represented Anderson County and Palestine through all courts.

PALESTINE, TEX., November 12, 1918.

HON. CLAY STONE BRIGGS, M. C.,
Washington, D. C.

DEAR Mr. BRIGGS: Our city, county, and its citizenship are very much concerned in having whatever legislation may be enacted by Congress relative to railroads and their return by the Government to the owners so shaped as to conserve the rights and interests of Palestine and Anderson County in the continued location and maintenance of the general offices and machine shops of the International & Great Northern Railway Co. at Palestine. Any legislation enacted which does not do this would be destructive of the commercial and farming industries of this section of Texas, which, for more than 40 years have been encouraged, promoted, and built upon the faith of a contract for a valuable consideration paid to this railroad and made in behalf of the citizenship of Palestine and Anderson County by Judge John H. Reagan with Mr. Galusha A. Grow, president of the Houston & Great Northern Railroad, which was subsequently consolidated with the International Railroad.

The International & Great Northern Railroad embraces 1,100 miles of railroad wholly within the State of Texas, and is now operated under Federal control.

It was created under and by virtue of donations of land and money from the State of Texas and counties of Texas and, among the latter, was a bond donation from Anderson County, issued on the consideration that the general offices and machine shops for the operation of this railroad should be forever maintained at Palestine, in Anderson County, Tex.

In 1889 the offices and machine shops of said railroad were located at Palestine, in Anderson County, under the contract and for the

consideration aforesaid, and in that year the Legislature of Texas enacted a law, still in force, declaring that "If said general offices and shops are located on the line of a railroad which has aided said railroads by an issue of bonds in consideration of such location being made, then said location shall not be changed, and this shall apply as well to a railroad that may have been consolidated with another as to those which have maintained their original organization." In 1911, after having been maintained at Palestine, in Anderson County, for nearly 40 years the purchaser at a receivership foreclosure sale undertook to remove, and did remove, the general offices for the operation of this railroad from Palestine to Houston, Tex., whereupon the county of Anderson and city of Palestine filed its suit against said railroad to enforce its contract and compel the return to Palestine of said general offices. The suit was prosecuted through all of the courts of Texas, and finally to the Supreme Court of the United States through writ of error.

On April 15, 1918, the Supreme Court of the United States, in cause No. 243, styled International & Great Northern Railway Co. et al. v. Anderson County et al., sustained an injunction of the State courts requiring that the general offices and machine shops for the operation of this railroad be forever kept and maintained at Palestine and forbidding and restraining the maintenance and operation of such general offices and machine shops at any other place than at Palestine, in Anderson County, Tex. The opinion of the United States Supreme Court expressly sustains the State statute, enforced by the injunction as a lawful police regulation of Texas, and mandate was issued June 15, 1918.

The statutes of Texas referred to are now articles 6423 and 6424. Before the mandate of the Supreme Court in the injunction could be enforced the railroads were taken under Federal control by act of Congress, but which declared in section 15 that nothing contained in that act "shall be construed to amend, repeal, impair, or affect . . . the lawful police regulation of the several States, except when such . . . regulations may affect the transportation of troops, war materials, Government supplies, or the issue of stocks and bonds." The prosecution of this litigation to safeguard the rights of Anderson County and its citizenship under a solemn and valid contract attempted to be violated and destroyed by the railroad has cost our city and county and its citizenship in actual cash paid out about \$25,000, to say nothing of the losses in a commercial way and a detriment to the commercial and farming industries of this county occasioned by the arbitrary and invalid removal of the general offices to Houston.

In the summer of 1918 our citizenship took the matter of the enforcement and compliance with the mandate of the United States Supreme Court in said cause up with the Director General of Railroads, and this resulted finally in the Director General of Railroads directing the return to Palestine of the general offices; but in order for this to be done it was necessary for an office building to be furnished for the officers, clerks, and other employees, and in addition thereto residence facilities for housing and taking care of the employees and their families.

To meet this the citizens of Palestine, at great sacrifice, turned over to the Director General of Railroads a \$200,000 fireproof hotel building, and upon which they expended about \$25,000 for its alteration and conversion into an up-to-date office building, and which they leased to the director general for a nominal rental, and whereupon the general offices were returned to Palestine in obedience to the court decree, and are now located and maintained in Palestine.

Our city and its various industries have been built up, promoted, and advanced from a small town to a city of some 18,000 inhabitants, and now constitutes one of the important commercial and industrial centers of Texas, and millions of dollars have been invested in manufacturing plants, other industries, and business institutions upon the good faith of the contract made with the railroad company for the perpetual maintenance of its general offices and machine shops at Palestine. Therefore if any legislation is enacted by the Congress that would have the effect to destroy this contract or the statutes of Texas declaratory of the public policy of the State requiring these facilities to be continuously maintained in this city would be so disastrous in its effect as to cause irreparable loss and damage to the citizenship of east Texas and materially affect deleteriously industries in which the entire Nation is interested. Furthermore, it would have the effect to undermine, if not destroy, the police powers of the State, as well as all other States in which a similar condition exists, and preclude the important and necessary regulatory powers of the legislatures of the States over its internal corporations.

We do not believe that the Congress will feel impelled or find it necessary in exercising its powers to reserve to the Federal Government limited control of the railroads of the country to destroy the effect of such statutes as the general office-shop statutes of Texas, which require of the railroads compliance with a valid contract made for a valuable consideration and sustained by the highest court of the land; but by some just provision these statutes and obligations of this nature can be preserved in general to Palestine, Tyler, and other cities, counties, and States throughout the Nation that are similarly situated.

We know that you are generally familiar with the matters to which we have above referred, and we understand that ex-Gov. Campbell has communicated with some one of the Members of Congress briefly on the same subject. We want to ask you, in the interest of Texas and its citizenship, and especially in the interest of Palestine and Anderson County and of Tyler in Smith County, that will be practically destroyed as two of the centers of the commercial, live-stock, and farming industries of Texas, unless by some provision in the railroad legislation their rights are preserved, to enlist yourself actively and cordially in this matter and preserve to Texas and the other States of the Union the power and right of legislation concerning its own corporate creatures and the power and integrity of the legislatures in pronouncing a sound public policy and reasonable police regulation of railroad corporations within the States. It is our purpose to prepare within the next day or two a memorial addressed to the Congress, printed in the form of a brief, concerning this matter substantially as above, and will forward same to you for such use as you may see proper to make of it. One or more of us will also come to Washington and take the matter up with the proper authorities or committees as you may think wise and proper, and we would like to hear from you by wire at our expense on receipt of this letter. In the meantime may we ask you to take such active interest in our behalf as may conserve our best interests.

With kind personal regards, we beg to remain, as ever, your friends,
CAMPBELL & SEWELL,
A. G. GREENWOOD.

P. S.—We have addressed similar letters to-day to Senators SHEPPARD and CULBERSON and to Congressmen JOHN C. BOX and TOM CONNALLY, and we are sure they will each be glad to cooperate with you in this matter.

Yours, etc.,

C. & S.,
A. G. G.

No question, therefore, should be left open whereby the people of Palestine and Anderson County may be deprived again of those offices, when the highest court in this land has said that they belong in Palestine under a valid contract and under a valid police regulation. There can be no harm in providing in this bill that the police powers of the States shall be preserved to them, and the amendment should be adopted. [Applause.]

Mr. DENISON. Mr. Chairman, I rise to oppose the amendment which the gentleman from Texas has offered. I am opposed to the amendment, Mr. Chairman, because this bill does not attempt to deprive the States of any of their proper police powers, or any of their police powers in fact, and therefore I think the amendment which the gentleman from Texas has offered is entirely useless and unnecessary and ought not to encumber the bill. Mr. Chairman, in this connection I ask unanimous consent for permission to insert in the RECORD at this place a brief statement about the bill which I attempted to make a few moments ago and to which objection was made.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to insert his statement in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. DENISON. Mr. Chairman, a few moments ago the House voted to strike out of the bill the rule of rate making recommended by the committee. So far as the making of rates is concerned, that action of the House will leave the Interstate Commerce Commission and the railroads just where they have always been. I believe time will prove this action of the House to be a mistake.

We are providing liberally for helping to finance the railroads by Government aid during the transition or reconstruction period. But thereafter we do very little to foster or improve them; they will drop back into the old methods of making rates. In this respect we are not, I believe, doing what we should for the railroads, or what is best for the Government. Mr. Chairman, we have lost \$646,777,000 in the operation of the railroads during the two years of Government control. When we turn them back they will owe the Government at least \$775,000,000, which will be funded one way or another.

By guaranteeing their standard return for another six months I have no doubt the actual losses from operation will, for the entire period, amount to \$750,000,000. It may be more or may be less than that amount, depending on the amount of business the railroads do in the six months' period. Whatever it is, it will be a dead loss.

By the provisions of the bill for making loans to the railroads for a period of two years, I fear that the amount of their indebtedness to the Government will be materially increased over the \$750,000,000 they will already owe when they are returned to their owners. The bill provides \$250,000,000 for that purpose. If they borrow that much, they will owe the Government at least \$1,000,000,000. It may be a great deal more than that amount.

With a fair, reasonable rule of rate making, as was provided in the committee bill, I had no doubt that the railroads would be able not only to get along without making new loans from the Government but would be able to easily pay back to the Government what they now owe.

But with this rule of rate making stricken out of the bill, I fear that the railroads will never be able to pay back to the Government the \$1,000,000,000 which I have no doubt they will soon owe.

If they can not do so the Government will have lost \$1,750,000,000 and maybe even more by its experiment in Government operation.

To guard against this unfortunate consequence to the taxpayers of the country I favored the rule of rate making recommended in the bill by the committee, and I feel sure the House has made a serious mistake in striking it out of the bill.

Mr. Chairman, with reference to the provision of the bill as amended by the Committee of the Whole, with reference to the settlement of labor disputes, I want to say, as I said when that provision was under discussion, that my personal view is that from the standpoint of the public as well as of the brotherhoods and other railroad workmen, it would be better if the whole provision were stricken from the bill. If I could have done so properly under the parliamentary situation I would have moved to strike it out. But objection was made.

I think all labor disputes ought to be settled by agreement between employers and employees. It can never be to the benefit of laboring men to settle such matters by legislation. If they can not or will not be settled in that manner, then legislation may become necessary. I hope the necessity for it may not hereafter arise.

I think the present provision of the bill will have to be amended sometime in order to apply to all classes of railroad labor. For this reason I think it would have been better if the whole provision were stricken out, or at least amended. But possibly it can be amended later, if necessary, so as to be workable and treat all railroad workmen alike. I hope it may prove fair and satisfactory to all parties and contribute to the friendly adjustment of all labor disputes hereafter.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

Mr. BRIGGS. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Amendment offered by Mr. BRIGGS: Page 85, immediately after line 6, insert as a new paragraph to be known as section 438a:

"Nothing in this act shall be construed to amend, abrogate, or in any wise impair any contract between a State or political subdivision thereof and any carrier, which was lawful at the time such contract was made."

Mr. BRIGGS. Mr. Chairman, this is along the same line.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 439. The commerce act is hereby further amended by adding at the end thereof two new sections, to read as follows:

"SEC. 25. That the commission may, after investigation, order any carrier by railroad subject to this act, within a time specified in the order, to install automatic train-stop or train-control devices, which comply with specifications and requirements prescribed by the commission, upon the whole or any part of its railroad, such order to be issued and published at least one year before the date specified for fulfillment: *Provided*, That a carrier shall not be held to be negligent because of its failure to install such devices upon a portion of its railroad not included in the order; and any action arising because of an accident happening upon such portion of its railroad shall be determined without consideration of the use of such devices upon another portion of its railroad. Any common carrier which refuses or neglects to comply with any order of the commission made under the authority conferred by this section shall be liable to a penalty of \$100 for each day that such refusal or neglect continues, which shall accrue to the United States, and may be recovered in a civil action brought by the United States.

"SEC. 26. That this act may be cited as the 'Commerce act, 1887.'"

Mr. SANDERS of Louisiana. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen of the committee, we have gotten to the last section of this bill. This bill is one that seems to be the return of the railroads to their owners. There are 86 pages in this bill, 2 pages are devoted to definitions, 20 pages are devoted to the return of the roads to their owners, 17 pages are devoted to the labor question, and 47 pages, or more than half the bill, undertakes to amend the act known as the commerce act. Mr. Chairman, the bill to return the roads to their owners should have been a bill of not exceeding 20 pages, short, concise, to the point. Mr. Chairman and gentlemen of the committee, the other titles to this bill should never have been brought before this House at this time. Mr. Chairman, I for one will never consent for certain interests in America to capitalize the intense desire of the people to have the railroads returned to their owners, to capitalize it in a bill of this kind which takes care of the railroads but does absolutely nothing for the people and the taxpayers. [Applause.] Mr. Chairman, if anyone will read and understand just one section, section 207, there could be no votes cast for this bill. Let me say to the gentlemen of this committee it is not a question, as the gentleman from Wyoming would have you understand, between this bill and the Plumb plan. It is nothing of the kind. This bill has not one word of the Plumb plan in it. This bill goes to the other extreme. This bill should be amended and in line 5, page 86, before the word "commerce," we should add the word "railroad." [Applause.]

Mr. ANDERSON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON: Strike out the proviso on page 85, line 17, to and including the word "negligent" in line 18, and the remainder of the proviso after the semicolon in line 20, and insert in lieu thereof the following: "No presumption of negligence on the part of the carrier shall arise."

Mr. ANDERSON. Mr. Chairman, the section under consideration authorizes the Interstate Commerce Commission to require the installation of train stops, train-control devices, and then provides that the carrier shall not be held to be negligent because of its failure to install such devices upon a portion of its roads not included in the order. Now, the effect of that proviso is to take out of the hands of the court and the jury in an action for damages any consideration whatever of the question of whether or not the carrier has been negligent in failing to install safety devices, or, to put it in another way, the mere fact that a carrier

has installed safety devices on one portion of its roads absolves it absolutely from negligence for failure to install those same devices upon another portion of its roads. I do not believe that this House wants to provide any such rule. The amendment which I have offered simply restores the situation as it is now under the law. In other words, it simply provides that the fact that the railroad has installed safety devices under the order of the Interstate Commerce Commission on one portion of its roads shall not raise any presumption of negligence because of its failure to install those same devices on other portions.

Mr. ESCH. I have no objection to the amendment.

Mr. BEE. Mr. Chairman, I offer an amendment to the amendment of the gentleman from Minnesota. Strike out all of line 17, beginning with the word "*Provided*," down to line 23 and the word "railroad."

The CHAIRMAN. That does not seem to be an amendment to the amendment of the gentleman from Minnesota.

Mr. ANDERSON. Mr. Chairman, I make the point of order that that is not an amendment to the amendment. It is an independent amendment.

The CHAIRMAN. That is an independent amendment. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

Mr. BEE. Mr. Chairman, would it be in order now to move to strike out of section 25 lines 17 to 23, beginning with the word "*Provided*," in line 17, and ending with the word "railroad," in lines 23?

The CHAIRMAN. Yes. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BEE: Page 85, line 17, strike out all after the word "*Provided*," down to and including the word "railroad," in line 23.

Mr. BEE. Mr. Chairman, section 25 provides that the commission may order any carrier to install automatic train stops or train-control devices. In line 23, after the word "railroad," a penalty is provided for any railroad that refuses or neglects to comply with the order of the commission made under this authority. I can not understand, Mr. Chairman, why there should be a provision in this law that a carrier shall not be held negligent because of his failure to install such devices in a portion of its railroad not included in the order and that any action arising because of an accident happening upon such portion of its railroad shall be determined without consideration of the use of such devices upon another portion of the railroad. I can not see why you should put into this law a protection to the carrier by providing that he shall not be held negligent because he obeys the order of the commission on another portion of his line.

Let me make to the House a prediction: Why should a personal-injury suit of this kind, by reason of the failure to safeguard by providing automatic contrivances and signals, be confused with the operation of this law that relieves the railroad from negligence because it has not complied with some portion of an order of the Interstate Commerce Commission on that subject? In other words, gentlemen of the committee, if you will read the provision, what is the necessity for the insertion of that section except to give to the railroads an excuse to avoid the consequences of an injury that they have committed by reason of their failure to provide necessary safety devices? Wherein does it add to it or strengthen it? You provide that the commission shall designate what they shall do in that respect. Then you provide that if they fail to do it they shall be punished for it. Why put a premium, I suggest to this committee, upon negligence upon their part by excusing them from its provisions? I predict that that will be the use that will be made of this provision.

Mr. MANN of Illinois rose.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized. [Applause.]

Mr. MANN of Illinois. Mr. Chairman, I took the first action which was taken in Congress looking to the ascertainment if there could be automatic control of railway trains in such a way that it would be impossible to have collisions, and for years, under the appropriations which were made in accordance with the resolutions and amendments which I offered in this House, there have been investigations going on concerning the automatic control of an engine, for instance, so that it will be impossible for two engines to come into collision head on, or impossible for an engine to come into a rear collision with the train ahead of it.

It is no easy matter, as anyone can see, to construct a device so finely geared and so highly working as that it will not interfere with ordinary traffic and yet will work if the engineer sleeps or if an engine order is incorrect. There have been many of these devices tried out in a way upon the railroads on single engines, and the work is still in the experimental stage. No road has been willing to install a device of that kind on one portion of its road, because the moment it is installed upon one portion of the road and somebody is injured on another portion of the road the question of negligence would be set up that that installation was not on that portion of the road where the accident occurred.

Nobody knows yet whether any of these devices will be successful, and, as the gentleman from Minnesota [Mr. ANDERSON] stated, his amendment would leave the situation where it now is. None of these devices is in operation. There are plenty of them that the roads would be willing to try. Railroads have no desire to have accidents on their lines. It is to their interest to dispense with accidents, and if Congress will give them the authority, as proposed by the bill—I have not read the bill, and I judge it is proposed in the bill merely from what was said—to install on the Pennsylvania Railroad, for instance, between here and Baltimore, a signal device which will prevent accidents and collisions, which will automatically control the engine if an order is wrong or when the train comes within a certain distance of the train ahead of it or behind, they will try it.

They will try it; but if you leave it so that if they install that device and then anyone who is injured on any other part of the railroad line can claim negligence on the part of the railroad because it has not installed that device on the rest of the road, we will all go to our graves and be long forgotten before they will commence the installation. [Applause.]

The CHAIRMAN. The question is on the amendment of the gentleman from Texas.

The amendment was rejected.

Mr. GARRETT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARRETT: After line 6, page 86, insert the following, to be a new section, numbered section 440:

"Hereafter no suit against a railroad company, brought in a State court of a State in which the cause of action arose, shall be removed to any court of the United States on the ground that the parties are citizens of different States, if the suit is brought in the county where the cause of action arose or is in the county where the defendant is served with process or the plaintiff resides."

Mr. DENISON. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DENISON. My point of order is that by the amendment the gentleman seeks to amend the law in reference to the removal of causes. There is nothing in this bill that pertains to or amends the law upon the jurisdiction of the courts of the country. The bill is upon an entirely different subject, and this amendment is not only not germane to this part of the bill, but it is not germane to any part of the bill. If this amendment were offered as an independent proposition it would have to go to the Judiciary Committee. If the Interstate Commerce Committee had brought in the bill with a provision of this kind in it, it would have been subject to a point of order. It is clearly not germane, and I therefore make the point of order against it.

Mr. GARRETT. The gentleman is quite correct in saying that it would have to go to the Judiciary Committee if it were presented as an original bill. But, Mr. Chairman, this amendment was offered at an earlier stage of the bill, and was held not to be in order because not germane to the section to which it was offered. The Chair was correct in so holding. But this bill deals with the question of the liability of carriers. It deals with the question of the statute of limitations. There is involved in this bill the question of the right of shippers and of litigants, and it does not seem to me that it would be straining the timbers of parliamentary law to hold that the tribunal in which rights may be enforced that are fixed under this bill may be named in the bill without being subject to a point of order.

Mr. DENISON. While the bill does in one sense relate to limitations, it is only to the limitation of suits against the Government.

Mr. GARRETT. I beg the gentleman's pardon. The question of limitations as contained in the Lanham amendment did not go to the question of the liability of the Government. It expressly provided that those causes of action that had arisen prior to Government control should not be subject to the statute of limitations during the time that the Government had control, or the war period.

Mr. MANN of Illinois. Mr. Chairman, the question of the removal of causes from the State courts to the Federal courts is carried by the law known as the Judicial Title. The Committee on Interstate and Foreign Commerce does not have jurisdiction of matters relating to that law. The Committee on the Judiciary has jurisdiction of bills that relate to the removal of causes. If the Committee on Interstate and Foreign Commerce had itself offered an amendment to this bill in the language of the amendment of the gentleman from Tennessee, it would not have been in order. There is nothing in the bill relating to the removal of causes. The gentleman might as well claim that an amendment was in order, fixing the salary of the judge who was to try a case, because the railroad was a party to the suit. The removal of causes is a judicial matter, belonging to the Judicial Title, and not relating to matter belonging to the railroad committee.

The CHAIRMAN. The amendment offered by the gentleman from Tennessee prevents the removal of suits against a railroad company from the State courts of the State in which a cause of action arises to any court of the United States, on the ground that the party is a citizen of a different State, if the suit is brought in the county where the cause of action arose, or is in the county where the defendant is served with process, or the plaintiff resides.

In the opinion of the Chair the provisions of the bill contain nothing to which this amendment would be germane, nor are there any provisions in the commerce act relating to the removal of causes of action, and the Chair therefore sustains the point of order.

Mr. McCLINTIC. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McCLINTIC: Page 86, line 6, after the figures "1887," insert a new section—to be known as section 440:

"That the foregoing provisions contained in this act shall not be construed to increase or diminish the jurisdiction or the powers exercised by State commissions prior to April 6, 1917."

Mr. McCLINTIC. Mr. Chairman, there is doubt in the minds of many Members of Congress as to whether or not the State railroad commissions will have any jurisdiction or authority left should this bill become a law. I have offered a new section to this bill in order that this question may be definitely decided. If the Members of this body are in favor of State commissions retaining the same jurisdiction they exercised prior to the war they will vote for my amendment, which is as follows:

That the foregoing provisions contained in this act shall not be construed to increase or diminish the jurisdiction or powers exercised by State commissions prior to April 6, 1917.

On yesterday I offered an amendment to this bill for the purpose of giving State commissions jurisdiction over certain questions that related to the operation of railroads wholly within a State. The chairman of the committee made a statement which was to the effect that in his opinion the regulation of questions relating to depots would remain under the control of State commissions. If I have construed the wording of this bill correctly, the jurisdiction formerly exercised by State commissions will be destroyed by the terms of this act. However, the Interstate Commerce Commission may be magnanimous enough to allow State commissions to deal with questions concerning road crossings, the location of section houses, the building of spurs, sidetracks, and water tanks.

The people of Oklahoma during the past year have suffered great losses because of a shortage of cars to handle the grain crop. The president of the State board of agriculture has estimated that over a million bushels of wheat has rotted in the fields because sufficient cars could not be furnished to carry the same to market. The Railroad Administration here in Washington is so far away from the territory where these facilities are needed that it has been a very hard matter to gain a comprehensive view of what was needed to provide the necessary relief. If the State commission of Oklahoma had jurisdiction over this subject I am sure that some arrangement would have been made which would have resulted in the saving of this vast amount of grain.

At the beginning of the war the railroad owners threw up their hands and said it would be impossible to furnish a sufficient amount of equipment to take care of the needs of the country unless they could obtain assistance from the Government. The management of the railroads was taken over by the Government, and a guaranty was made that their earnings would equal the amount made during certain years. No one ever dreamed that when the time came for these properties to be returned to the owners the Government would be called on to guarantee their earnings after Government control had been relinquished. This bill contains a provision of this kind. The money indi-

rectly will have to come from the people in the form of taxation. It is the most unjust and unfair provision in the act, and while I am in favor of turning the railroads back to their owners at the earliest date possible, I can never vote for a bill that is so unfair to the people and the Government.

This bill will allow the railroad companies to increase passenger and freight rates. It practically destroys the effect of all State legislation relative to intrastate matters. It will cause delegations to travel thousands of miles to present questions which could have been adjusted by State commissions prior to the enactment of this legislation. Every amendment offered in the interest of the people has been defeated. I will never vote for a bill that grants this kind of a subsidy to the railroad owners, and I sincerely hope the Senate, when it considers this subject, will strike out all of the bill after the enacting clause and send back to the House of Representatives a bill that will provide for the turning back of the railroads to their owners, allowing State commissions to exercise the same jurisdiction they had prior to the war. When this is done I shall be very glad to vote for the bill.

The CHAIRMAN. The question is on the amendment of the gentleman from Oklahoma.

The amendment was rejected.

Mr. EVANS of Nebraska. Mr. Chairman, I ask unanimous consent to return to section 207 for the purpose of offering an amendment.

Mr. SWEET. Mr. Chairman, I object.

By unanimous consent, leave was given to Mr. SMALL, Mr. BRIGGS, Mr. LINTHICUM, Mr. OLIVER, Mr. KITCHIN, Mr. HEFLIN, Mr. FIELDS, Mr. SABATH, Mr. HENRY T. RAINEY, Mr. LANKFORD, Mr. CARAWAY, Mr. GRIFFIN, Mr. BEE, Mr. LARSEN, and Mr. WELLING to extend remarks in the Record.

Mr. ESCH. Mr. Chairman, I will make a request for general leave to print for five legislative days when we get in the House. I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10453) to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, and for other purposes, and had directed him to report the same back with various and sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

SWEARING IN OF A MEMBER.

Mr. MORGAN. Mr. Speaker, it is my pleasant duty to announce the election of JOHN W. HARRELD in the fifth district of Oklahoma, to succeed the late lamented Joseph B. Thompson. Mr. HARRELD is present, and I ask unanimous consent that he be sworn in.

Mr. HARRELD appeared at the bar of the House and took the oath of office prescribed by law.

THE RAILROAD BILL.

Mr. ESCH. Mr. Speaker, I move the previous question.

The SPEAKER. That is not necessary. Under the rule the previous question is considered as ordered. Is a separate vote demanded on any amendment?

Mr. ESCH. I ask for a separate vote on the Sweet amendment, page 50, line 15; also on the amendment offered by the gentleman from North Carolina [Mr. SMALL], on page 50, line 24, and page 60, line 22. The amendments were voted on en bloc relating to docks. Also, on page 61, striking out lines 1 to 5, section 412.

Mr. RAYBURN. Mr. Speaker, I demand a separate vote on the Anderson amendment.

Mr. WALSH. Mr. Speaker, I ask for a separate vote on the amendment to strike out all of the sections in Title III, after section 300. It was voted on as one amendment.

Mr. MANN of Illinois. I ask a separate vote on the amendment of the gentleman from Minnesota [Mr. ANDERSON] relating to automatic control devices, found on page 85, line 17.

The SPEAKER. Is there any other amendment on which a separate vote is demanded? If not, the Chair will put the other amendments in gross.

There was no further demand for a separate vote and the other amendments were agreed to.

The SPEAKER. The Chair will put the amendments in the order that they were asked for unless there is some other suggestion. The Clerk will report the first amendment.

The Clerk read the Sweet amendment, as follows:

Amendment offered by Mr. SWEET: Amend paragraph (16), on page 50, by adding after the word "States," in line 15 thereof, the following: "Provided, however, That nothing in this act shall impair or affect the right of the State in the exercise of its police power to require just and reasonable freight and passenger service and the fair exchange and distribution of equipment for intrastate business."

The SPEAKER. The question is on agreeing to the Sweet amendment.

The question was taken; and on a division (demanded by Mr. ESCH), there were 193 ayes and 77 noes.

So the amendment was agreed to.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from North Carolina [Mr. SMALL].

Mr. ESCH. These amendments were offered and voted on en bloc.

The SPEAKER. Voted on as one amendment?

Mr. ESCH. Yes; and I ask that the vote be taken in the same way.

Mr. SMALL. That is entirely agreeable.

The Clerk read as follows:

Amendments offered by Mr. SMALL: Page 60, lines 1 and 2, strike out the words "irrespective of the ownership of the dock"; page 60, line 7, strike out the words "construct a suitable dock and"; page 60, lines 10, 11, and 12, strike out the words "Such docks shall be considered a terminal, within the meaning of that term as used in other sections of the act, and the powers here conferred are in addition to those provided in other sections"; page 60, line 14, strike out the words "docks and"; and page 60, line 16, strike out the words "docks and."

The SPEAKER. The question is on agreeing to the amendments.

The question was taken; and on a division (demanded by Mr. ESCH) there were 148 ayes and 97 noes.

So the amendments were agreed to.

The SPEAKER. The Clerk will report the next amendment. The Clerk read as follows:

Amendment offered by Mr. SMALL: Page 61, strike out lines 1 to 5, inclusive.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. SMALL) there were—ayes 156, noes 116.

So the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment. The Clerk read as follows:

Amendment offered by Mr. BLAND of Missouri: Page 61, preceding line 6, insert: "The absorption out of its port-to-port water rates, or out of its proportional through rates, by a water carrier of the switching, terminal, lighterage, car rental, trackage, handling, or other charges by a rail carrier for services within the switching, drayage, lighterage, or corporate limits of a port terminal or district, shall not be held to constitute an arrangement for a continuous carriage or shipment," within the meaning of the act to regulate commerce, and shall not subject such water carrier to the provisions of such act."

The SPEAKER. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment, the Anderson amendment.

Mr. BARKLEY. Mr. Speaker, I ask unanimous consent that the reading of the amendment be dispensed with, in view of the fact that it was read the other day and is very long.

The SPEAKER. The gentleman asks unanimous consent that the reading of the amendment be dispensed with. Is there objection?

Mr. LANGLEY. I object.

The SPEAKER. The gentleman from Kentucky objects.

Mr. LANGLEY. Mr. Speaker, I withdraw the objection.

The SPEAKER. The gentleman from Kentucky withdraws his objection. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the Anderson amendment.

The question was taken; and on a division (demanded by Mr. NOLAN) there were—ayes 153, noes 111.

Mr. BLACK. Mr. Speaker, I demand the yeas and nays.

Mr. BLANTON. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentlemen from Texas [Mr. BLACK and Mr. BLANTON] demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 254, nays, 111, not voting 67, as follows:

YEAS—254.

Almon	Babka	Begg	Briggs
Anderson	Baer	Bland, Ind.	Brooks, Ill.
Andrews, Nebr.	Bankhead	Bland, Mo.	Brooks, Pa.
Aswell	Barbour	Bowers	Browne
Ayres	Bee	Box	Buchanan

Burdick	Greene, Mass.	McGlennon	Rubey
Burke	Griffin	McKinley	Rucker
Byrnes, S. C.	Hamill	McLane	Sabath
Byrnes, Tenn.	Hardy, Colo.	McLaughlin, Nebr.	Sanders, Ind.
Caldwell	Hardy, Tex.	MacCrate	Sanders, La.
Campbell, Kans.	Harrell	MacGregor	Sanders, N. Y.
Campbell, Pa.	Haskell	Magee	Schall
Candler	Hastings	Maher	Scott
Cantrill	Hawley	Mann, S. C.	Sears
Caraway	Hayden	Mapes	Sells
Carew	Hays	Martin	Siegel
Carrs	Heflin	Mays	Sims
Casey	Hernandez	Mead	Sinnott
Chindblom	Hersey	Michener	Smith, Idaho
Clark, Mo.	Hersman	Miller	Smith, Ill.
Classon	Hickey	Minahan, N. J.	Smith, Mich.
Cleary	Hill	Monahan, Wis.	Smith, N. Y.
Cole	Houghton	Mooney	Smithwick
Collier	Howard	Moore, Ohio	Stedman
Connally	Huddleston	Morgan	Stephens, Ohio
Cooper	Hudspeth	Morlu	Stevenson
Costello	Hullings	Mott	Stoll
Crowther	Hull, Iowa	Mudd	Strong, Kans.
Cullen	Igoe	Murphy	Strong, Pa.
Curry, Calif.	Ireland	Nelson, Mo.	Sullivan
Dallinger	James	Nelson, Wis.	Summers, Wash.
Darrow	Jeffers	Newton, Mo.	Summers, Tex.
Davey	Johnson, Miss.	Nicholls, S. C.	Sweet
Denison	Johnson, Wash.	Nichols, Mich.	Tague
Dickinson, Mo.	Johnson, N. Y.	Nolan	Taylor, Colo.
Dominick	Jones, Tex.	O'Connell	Taylor, Tenn.
Donovan	Kearns	O'Connor	Temple
Dooling	Keller	Ogden	Thomas
Doughton	Kelly, Pa.	Oldfield	Thompson
Dowell	Kendall	Overstreet	Tillman
Dunbar	Kincheloe	Park	Tinkham
Dupré	King	Pell	Towner
Eagan	Kinkaid	Phelan	Vare
Echols	Klecza	Porter	Venable
Ellsworth	Knutson	Pou	Vestal
Emerson	Kraus	Quin	Vinson
Evans, Mont.	LaGuardia	Radeliffe	Voigt
Evans, Nev.	Lampert	Rainey, Ala.	Walters
Fields	Langley	Rainey, J. W.	Watkins
Fisher	Lanham	Raker	Weaver
Focht	Lankford	Ramsey	Whaley
Foster	Larsen	Ramseyer	Wheeler
Frear	Layton	Randall, Calif.	White, Kans.
Fuller, Mass.	Lazaro	Randall, Wis.	White, Me.
Gallagher	Lea, Calif.	Reed, N. Y.	Williams
Gallivan	Leshar	Reed, W. Va.	Wilson, Ill.
Ganly	Little	Ricketts	Wilson, La.
Gard	Loneragan	Riordan	Wilson, Pa.
Garland	Longworth	Robison, Ky.	Wingo
Goldfogle	Lubring	Rodenberg	Wise
Goodwin, Ark.	McAndrews	Ronjue	Young, N. Dak.
Goodykoontz	McClintic	Rose	Zihlman
Graham, Ill.	McCulloch	Rouse	
		Rowan	

NAYS—111.

Alexander	Fess	Luce	Rowe
Bacharach	Flood	Lufkin	Sanford
Barkley	Freeman	McArthur	Saunders, Va.
Benson	French	McDuffie	Sisson
Black	Garrett	McFadden	Slemp
Blackmon	Glynn	McPherson	Small
Bland, Va.	Gould	Madden	Snell
Banton	Green, Iowa	Mann, Ill.	Snyder
Brand	Greene, Vt.	Mansfield	Steagall
Browning	Griest	Merritt	Steele
Burroughs	Hadley	Mondell	Steenerson
Butler	Hamilton	Montague	Stinson
Cannon	Harrison	Moore, Va.	Tilson
Christopherson	Haugen	Newton, Minn.	Timberlake
Clark, Fla.	Hicks	Oliver	Treadway
Coady	Hoch	Olney	Vaile
Copley	Holland	Osborne	Votstead
Crago	Hall, Tenn.	Padgett	Wason
Cramton	Humphreys	Paige	Watson, Pa.
Crisp	Husted	Parker	Watson, Va.
Dale	Hutchinson	Parrish	Webster
Davis, Tenn.	Johnson, S. Dak.	Platt	Welling
Dent	Jones, Pa.	Purnell	Winslow
Doremus	Kelley, Mich.	Rainey, H. T.	Wood, Ind.
Eagle	Kiess	Rayburn	Woods, Va.
Elllett	Kitchin	Reber	Yates
Esch	Lehlbach	Robinson, N. C.	Young, Tex.
Evans, Nebr.	Linthicum	Rogers	

NOT VOTING—67.

Ackerman	Dunn	Kahn	Rhodes
Andrews, Md.	Dyer	Kennedy, Iowa	Riddick
Anthony	Edmonds	Kettner	Scully
Ashbrook	Elston	Kreider	Sherwood
Bell	Fairfield	Lee, Ga.	Shreve
Benham	Ferris	McKenzie	Sinclair
Boies	Fordney	McKeown	Stephens, Miss.
Booher	Fuller, Ill.	McKinley	Swope
Brinson	Gandy	McLaughlin, Mich.	Taylor, Ark.
Britten	Garnier	Major	Tincher
Brumbaugh	Godwin, N. C.	Mason	Upshaw
Carter	Good	Moon	Walsh
Currie, Mich.	Goodall	Moore, Pa.	Ward
Davis, Minn.	Graham, Pa.	Moore, Ind.	Welty
Dempsey	Jacoway	Neely	Woodyard
Dewalt	Johnson, Ky.	Peters	Wright
Drane	Juul	Reavis	

So the Anderson amendment was agreed to.
The Clerk announced the following pairs:
Until further notice:
Mr. BOIES with Mr. STEPHENS of Mississippi.

Mr. DAVIS of Minnesota with Mr. SCULLY.
Mr. ACKERMAN with Mr. LEA of Georgia.
Mr. WOODYARD with Mr. GANDY.
Mr. WALSH with Mr. NEELY.
Mr. GOODALL with Mr. DRANE.
Mr. JUUL with Mr. DEWALT.
Mr. KAHN with Mr. CARTER.
Mr. KENNEDY of Iowa with Mr. BRUMBAUGH.
Mr. DUNN with Mr. MOON.
Mr. CURRIE of Michigan with Mr. MCKEOWN.
Mr. KREIDER with Mr. BRINSON.
Mr. MCKENZIE with Mr. BOOHER.
Mr. GRAHAM of Pennsylvania with Mr. UPshaw.
Mr. RHODES with Mr. MAJOR.
Mr. EDMONDS with Mr. KETTNER.
Mr. DEMPSEY with Mr. WRIGHT.
Mr. ANDREWS of Maryland with Mr. WELTY.
Mr. ANTHONY with Mr. TAYLOR of Arkansas.
Mr. MCKINLEY with Mr. ASHBROOK.
Mr. TINCHER with Mr. BELL.
Mr. ELSTON with Mr. JOHNSON of Kentucky.
Mr. FAIRFIELD with Mr. JACOWAY.
Mr. FORDNEY with Mr. GODWIN of North Carolina.
Mr. FULLER of Illinois with Mr. GARNER.
Mr. GOOD with Mr. FERRIS.
Mr. SHREVE with Mr. SHERWOOD.
Mr. WELTY. Mr. Speaker, I desire to vote. I just came into the Hall a while ago.

The SPEAKER. Was the gentleman present and listening when his name was called? The gentleman must answer to qualify. The Chair is obliged to put the stereotyped question. Was the gentleman present when his name was called?

Mr. WELTY. I was not here at the time.

The SPEAKER. Unless the gentleman can answer in the affirmative, he can not vote.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the next amendment. The Clerk read as follows:

Strike out all the sections after section 300 of Title III.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment. The Clerk read as follows:

Page 88, line 17, amendment offered by Mr. ANDERSON: Strike out the proviso on page 85, line 17, to and including the word "negligent" in line 18, and the remainder of the proviso after the semicolon in line 20 down to and including the word "railroad" in line 23, and insert in lieu of the first words stricken out the following: "No assumption of negligence on the part of the carrier shall arise."

The question was taken, and the Chair announced that the yeas seemed to have it.

On a division (demanded by Mr. ANDERSON) there were—yeas 38, yeas 115.

So the amendment was rejected.

The SPEAKER. The question is on ordering the bill to be engrossed and read the third time.

The bill was ordered to be engrossed and read the third time, was read the third time.

Mr. SIMS. Mr. Speaker, I move to recommit the bill to the Committee on—

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SIMS. I certainly am as reported from the committee. I move to recommit the bill to the Committee on Interstate and Foreign Commerce with instructions to report the same back to the House forthwith with an amendment striking out section 207 of the bill, and on that I move the previous question.

Mr. ESCH. Mr. Speaker, I move the previous question on the motion to recommit.

The SPEAKER. The Clerk will report the motion to recommit. The Clerk read as follows:

By Mr. SIMS: I move to recommit the bill to the Committee on Interstate and Foreign Commerce with instructions to report the same back to the House forthwith with an amendment striking out section 207 of the bill.

Mr. SIMS. And on that I move the previous question.

The SPEAKER. The gentleman from Wisconsin moves the previous question on the motion to recommit.

The previous question was ordered.

Mr. CRISP. Mr. Speaker, may we have the section read so that we may know what it is?

The SPEAKER. It has been read twice.

Mr. CRISP. I withdraw the request.

The SPEAKER. The question is on the motion to recommit. The question was taken.

The SPEAKER. The yeas seem to have it.

Mr. SIMS. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. Obviously a sufficient number of gentlemen have risen, and the yeas and nays are ordered.

The question was taken; and there were—years 167, nays 198, not voting 67, as follows:

YEAS—167.

Alexander	Eagan	LaGuardia	Randall, Calif.
Almon	Ellsworth	Lampert	Randall, Wis.
Aswell	Emerson	Lanham	Riordan
Ayres	Evans, Mont.	Lankford	Robinson, N. C.
Babka	Evans, Nebr.	Larsen	Romjue
Baer	Evans, Nev.	Lazaro	Rowan
Bankhead	Fisher	Lea, Calif.	Rubey
Bee	Frear	Luce	Rucker
Blackmon	French	McAndrews	Sabath
Bland, Va.	Gallagher	McClintie	Sanders, La.
Blanton	Gallivan	McDuffie	Schall
Box	Ganly	McGlennon	Sears
Brand	Gard	McKiniry	Sims
Briggs	Garrett	McLane	Sisson
Brinson	Goldfogle	Maher	Smith, N. Y.
Browne	Goodwin, Ark.	Mann, S. C.	Smithwick
Buchanan	Griffin	Mansfield	Steagall
Byrnes, S. C.	Hamill	Martin	Stedman
Byrns, Tenn.	Hardy, Tex.	Mays	Steenerson
Caldwell	Haskell	Mead	Stevenson
Candler	Hastings	Minahan, N. J.	Stoll
Cantrill	Haugen	Mooney	Summers, Tex.
Caraway	Hayden	Nelson, Mo.	Tague
Carew	Hefflin	Newton, Minn.	Taylor, Colo.
Carss	Hersman	Nichols, Mich.	Thomas
Casey	Hoch	Nolan	Tillman
Clark, Mo.	Howard	O'Connell	Venable
Classon	Huddleston	O'Connor	Vinson
Collier	Hull, Tenn.	Oldfield	Voigt
Connally	Humphreys	Oliver	Volstead
Cramton	Igoe	Overstreet	Watkins
Crisp	James	Padgett	Weaver
Cullen	Johnson, Miss.	Park	Welling
Davey	Johnson, N. Y.	Parrish	Welty
Davis, Tenn.	Jones, Tex.	Phelan	Whaley
Dent	Keller	Pou	Wilson, La.
Dickinson, Mo.	Kelly, Pa.	Quin	Wilson, Pa.
Dominick	Kincheloe	Rainey, Ala.	Wingo
Dooling	King	Rainey, H. T.	Wise
Doremus	Kitchin	Rainey, J. W.	Young, N. Dak.
Doughton	Kieczka	Raker	Young, Tex.
Dowell	Knutson	Ramsayer	

NAYS—198.

Anderson	Garland	McArthur	Sanford
Andrews, Nebr.	Glynn	McCulloch	Sanders, Va.
Bacharach	Goodykoontz	McFadden	Scott
Barbour	Gould	McKinley	Sells
Barkley	Graham, Ill.	McLaughlin, Nebr.	Siegel
Beggs	Green, Iowa	McPherson	Sinnot
Benson	Greene, Mass.	MacCrate	Sinnot
Black	Greene, Vt.	MacGregor	Sinnot
Bland, Ind.	Griest	Madden	Smith, Idaho
Bland, Mo.	Hadley	Magee	Smith, Ill.
Bowers	Hamilton	Mann, Ill.	Smith, Mich.
Brooks, Ill.	Hardy, Colo.	Mapes	Snell
Browning	Harrison	Merritt	Snyder
Burdick	Harrell	Michener	Steele
Burke	Hawley	Miller	Stephens, Ohio
Burroughs	Hays	Monahan, Wis.	Stiness
Butler	Hernandez	Mondell	Strong, Kans.
Campbell, Kans.	Hersey	Montague	Strong, Pa.
Campbell, Pa.	Hickey	Moore, Ohio	Sullivan
Cannon	Hicks	Moore, Va.	Summers, Wash.
Chidblom	Hill	Morgan	Sweet
Christopherson	Holland	Morin	Swope
Clark, Fla.	Houghton	Mudd	Taylor, Tenn.
Cleary	Hudspeth	Murphy	Temple
Coady	Hullings	Nelson, Wis.	Thompson
Cole	Hull, Iowa	Newton, Mo.	Tilson
Cooper	Husted	Nicholls, S. C.	Timberlake
Copley	Hutchinson	Ogden	Tinkham
Costello	Ireland	Olney	Towner
Crago	Jeffers	Osborne	Treadway
Crowther	Johnson, S. Dak.	Paige	Vaile
Curry, Calif.	Johnson, Wash.	Parker	Vare
Dale	Jones, Pa.	Pell	Vestal
Dallinger	Kearns	Platt	Walters
Darrow	Kelley, Mich.	Porter	Watson
Denison	Kendall	Purnell	Watson, Pa.
Dickinson, Iowa	Kennedy, R. I.	Radcliffe	Watson, Va.
Donovan	Kiess	Ramsey	Webster
Dunbar	Kinkaid	Rayburn	Wheeler
Dupre	Kraus	Reber	White, Kans.
Eagle	Langley	Reed, W. Va.	White, Me.
Elliott	Layton	Ricketts	Williams
Esch	Lehlbach	Robison, Ky.	Williams, Ill.
Fess	Lesh	Rodenberg	Wilson, Ill.
Fields	Linthicum	Rogers	Winslow
Flood	Little	Rose	Wood, Ind.
Focht	Loneragan	Rouse	Woods, Va.
Foster	Longworth	Rowe	Yates
Freeman	Lufkin	Sanders, Ind.	Zihlman
Fuller, Mass.	Luhning	Sanders, N. Y.	

NOT VOTING—67.

Ackerman	Carter	Fairfield	Johnson, Ky.
Andrews, Md.	Currie, Mich.	Ferris	Joul
Anthony	Davis, Minn.	Fordney	Kahn
Ashbrook	Dempsey	Fuller, Ill.	Kennedy, Iowa
Bell	Dewalt	Gandy	Kettner
Benham	Drane	Garner	Kreider
Bales	Dunn	Godwin, N. C.	Lee, Ga.
Boehrer	Dyer	Good	McKenzie
Britten	Echols	Goodall	McKeown
Brooks, Pa.	Edmonds	Graham, Pa.	McLaughlin, Mich.
Brumbaugh	Elston	Jacoway	Major

Mason
Moon
Moore, Pa.
Moore, Ind.
Mott
Neely

Peters
Reavis
Reed, N. Y.
Rhodes
Riddick
Scully

Sherwood
Shreve
Sinclair
Stephens, Miss.
Swope
Taylor, Ark.

Tincher
Upshaw
Ward
Woodyard
Wright

So the motion to recommit was rejected.
The Clerk announced the following pairs:

Until further notice:

Mr. MOORES of Indiana with Mr. ASHBROOK.

Mr. McLAUGHLIN of Michigan with Mr. NEELY.

Mr. REED of West Virginia. Mr. Speaker, I desire to vote "nay."

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. REED of West Virginia. I am not certain. I went out while the roll call was on, and came back.

The SPEAKER. Unless the gentleman can answer that he was present and listening when his name was called, the rule does not allow him to vote.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. ESCH and Mr. BLANTON demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 204, nays 161, not voting 67, as follows:

YEAS—204.

Anderson	Foster	Lufkin	Rose
Andrews, Nebr.	Freeman	Luhning	Rowe
Bacharach	French	McArthur	Sanders, Ind.
Barbour	Fuller, Mass.	McCulloch	Sanders, N. Y.
Barkley	Glynn	McFadden	Sanders, Va.
Beggs	Goodykoontz	McKinley	Scott
Benson	Gould	McLaughlin, Nebr.	Sells
Black	Graham, Ill.	McPherson	Siegel
Bland, Ind.	Green, Iowa	MacCrate	Sinnot
Bowers	Greene, Mass.	MacGregor	Sinnot
Brand	Greene, Vt.	Madden	Small
Brooks, Ill.	Griest	Magee	Smith, Idaho
Brooks, Pa.	Hadley	Mann, Ill.	Smith, Ill.
Browning	Hamilton	Mapes	Smith, Mich.
Burdick	Hardy, Colo.	Merritt	Snell
Burke	Harrison	Michener	Snyder
Burroughs	Hawley	Miller	Steenerson
Butler	Hays	Monahan, Wis.	Stephens, Ohio
Campbell, Kans.	Hernandez	Mondell	Stiness
Cannon	Hersey	Montague	Strong, Kans.
Cantrill	Hickey	Moore, Ohio	Strong, Pa.
Chidblom	Hicks	Morgan	Summers, Wash.
Christopherson	Hill	Morin	Sweet
Clark, Fla.	Hoch	Mott	Swope
Cleary	Holland	Mudd	Taylor, Tenn.
Coady	Houghton	Murphy	Temple
Cole	Hullings	Nelson, Wis.	Thompson
Cooper	Hull, Iowa	Newton, Minn.	Tilson
Copley	Humphreys	Newton, Mo.	Timberlake
Costello	Husted	Ogden	Tinkham
Crago	Hutchinson	Olney	Towner
Crisp	Ireland	Osborne	Treadway
Crowther	Jeffers	Paige	Vaile
Curry, Calif.	Johnson, S. Dak.	Parker	Vare
Dale	Johnson, Wash.	Pell	Vestal
Dallinger	Jones, Pa.	Platt	Walters
Darrow	Kearns	Porter	Watson
Denison	Kelley, Mich.	Purnell	Watson, Pa.
Dickinson, Iowa	Kendall	Radcliffe	Watson, Va.
Donovan	Kennedy, R. I.	Ramsey	Webster
Dunbar	Kiess	Rayburn	Wheeler
Dupre	Kinkaid	Reber	White, Kans.
Eagle	Langley	Reed, W. Va.	White, Me.
Elliott	Layton	Ricketts	Williams
Esch	Lehlbach	Robison, Ky.	Williams, Ill.
Fess	Lesh	Rodenberg	Wilson, Ill.
Fields	Linthicum	Rogers	Winslow
Flood	Little	Rose	Wood, Ind.
Focht	Loneragan	Rouse	Woods, Va.
Foster	Longworth	Rowe	Yates
Freeman	Lufkin	Sanders, Ind.	Zihlman
Fuller, Mass.	Luhning	Sanders, N. Y.	

NAYS—161.

Alexander	Casey	Gallivan	Kelly, Pa.
Almon	Clark, Mo.	Ganly	King
Aswell	Classon	Gard	Kitchin
Ayres	Collier	Garrett	Kieczka
Babka	Connally	Goldfogle	Knutson
Baer	Cramton	Goodwin, Ark.	LaGuardia
Bankhead	Cullen	Griffin	Lampert
Bee	Davey	Hamill	Lanham
Blackmon	Davis, Tenn.	Hardy, Tex.	Lankford
Bland, Mo.	Dent	Haskell	Larsen
Bland, Va.	Dewalt	Hastings	Lazaro
Blanton	Dickinson, Mo.	Haugen	Lea, Calif.
Box	Dominick	Hefflin	Lesh
Briggs	Dooling	Hersman	McAndrews
Brinson	Doremus	Howard	McClintie
Browne	Doughton	Huddleston	McDuffie
Buchanan	Eagle	Hudspeth	McGlennon
Byrnes, S. C.	Ellsworth	Hull, Tenn.	McKinley
Byrns, Tenn.	Emerson	Igoe	Maher
Caldwell	Evans, Mont.	James	Mann, S. C.
Campbell, Pa.	Evans, Nev.	Johnson, Miss.	Mansfield
Candler	Fisher	Johnson, N. Y.	Martin
Caraway	Frear	Jones, Tex.	Mays
Carew	Gallagher	Keller	Mead

Minahan, N. J.	Rainey, Ala.	Sims	Watkins
Mooney	Rainey, H. T.	Sisson	Watson, Va.
Moore, Va.	Rainey, J. W.	Smith, N. Y.	Weaver
Nelson, Mo.	Raker	Smithwick	Webster
Nicholls, S. C.	Randall, Calif.	Steagall	Welling
Nichols, Mich.	Riordan	Stedman	Welty
Nolan	Robinson, N. C.	Steele	Whaley
O'Connell	Roufue	Stevenson	Wilson, La.
O'Connor	Rouse	Sullivan	Wilson, Pa.
Oldfield	Rowan	Summers, Tex.	Wingo
Oliver	Ruby	Tague	Wiss
Overstreet	Rucker	Taylor, Colo.	Young, N. Dak.
Padgett	Sabath	Thomas	Young, Tex.
Parrish	Sanders, La.	Tillman	
Pou	Schall	Vinson	
Quin	Sears	Voigt	

NOT VOTING—67.

Ackerman	Edmonds	Kahn	Reed, N. Y.
Andrews, Md.	Elston	Kennedy, Iowa	Rhodes
Anthony	Fairfield	Kettner	Riddick
Ashbrook	Ferris	Kreider	Sanford
Bell	Fordney	Lee, Ga.	Scully
Benham	Fuller, Ill.	Luce	Sherwood
Boies	Gandy	McKenzie	Shreve
Booher	Garland	McKeown	Sinclair
Britten	Garner	McLaughlin, Mich.	Stephens, Miss.
Brumbaugh	Godwin, N. C.	Major	Stoll
Carier	Good	Mason	Taylor, Ark.
Currie, Mich.	Goodall	Moon	Tincher
Davis, Minn.	Graham, Pa.	Moore, Pa.	Upshaw
Dempsey	Harrell	Moore, Ind.	Ward
Drane	Jacoway	Neely	Woodyard
Dunn	Johnson, Ky.	Peters	Wright
Pyer	Juul	Reavis	

So the bill was passed.

The Clerk announced the following additional pairs:

On this vote:

Mr. McKENZIE (for) with Mr. SINCLAIR (against).

Mr. SHREVE (for) with Mr. SHERWOOD (against).

Mr. GRAHAM of Pennsylvania (for) with Mr. UPSHAW (against).

Mr. CURRIE of Michigan (for) with Mr. McKEOWN (against).

Until further notice:

Mr. REAVIS with Mr. STOLL.

Mr. McLAUGHLIN of Michigan with Mr. JACOWAY.

Mr. SANFORD. Mr. Speaker, I wish to vote "yea."

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. SANFORD. I was on the other side of the threshold, within hearing of the voice of the Clerk, and immediately thereafter I returned; and I insist on my constitutional right to have my district recorded in favor of this bill, the rulings of the House to the contrary notwithstanding.

The SPEAKER. The gentleman does not qualify under the rule.

Mr. SANFORD. I think the ruling was never thoroughly considered, and I have examined it, and there is no reason behind it so far as I can find.

The SPEAKER. The Chair will follow the precedents until convinced to the contrary.

The result of the vote was announced as above recorded.

On motion of Mr. ESCH, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENDING REMARKS ON THE RAILROAD BILL.

Mr. ESCH. Mr. Speaker, I ask unanimous consent that all Members of the House may be allowed five legislative days in which to extend remarks upon the railroad bill.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that all gentlemen may have five legislative days to publish remarks upon the bill just passed. Is there objection?

Mr. WINGO. Reserving the right to object; that is, to be confined to their own remarks and with no newspaper or other clippings.

Mr. ESCH. I said "their own remarks."

Mr. WALSH. Mr. Speaker, supposing there are not five legislative days remaining in the session, what would be the situation under that condition?

Mr. JOHNSON of Washington. The RECORD will be printed for several days, even though there should be an adjournment.

Mr. ESCH. Mr. Speaker, I will make it five calendar days.

The SPEAKER. The gentleman modifies his request to five calendar days. Is there objection?

There was no objection.

REPRINT OF THE RAILROAD BILL.

Mr. ESCH. Mr. Speaker, I ask unanimous consent that there may be a reprint of the railroad bill with the amendments that were adopted by the House.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent for the reprint of the railroad bill with amendments adopted by the House. Is there objection?

There was no objection.

METROPOLITAN POLICE.

Mr. MAPES. Mr. Speaker, I call up the conference report on the bill H. R. 9821, an act to amend an act entitled "An act relating to the Metropolitan police of the District of Columbia, approved February 28, 1901, and for other purposes," and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Michigan calls up the conference report on the Metropolitan police bill and asks that the statement may be read instead of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to H. R. 9821, "An act to amend an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"That paragraphs 2, 8, and 9 of section 1 of the act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901, as amended by the act approved June 8, 1906, entitled 'An act to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901,' are hereby amended to read as follows:

"Par. 2. The Commissioners of said District shall appoint to office, assign to such duty or duties as they may prescribe, and promote all officers and members of said Metropolitan police force: *Provided*, That all officers, members, and civilian employees of the force, except the major and superintendent, the assistant superintendents, and the inspectors shall hereafter be appointed and promoted in accordance with the provisions of an act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, as amended, and the rules and regulations made in pursuance thereof, in the same manner as members of the classified civil service of the United States: *Provided further*, That hereafter the assistant superintendents and inspectors shall be selected from among the captains of the force and shall be returned to the rank of captain when the commissioners so determine: *Provided further*, That privates of class one if found efficient shall serve one year on probation, privates of class two shall serve two years subsequent to service in class one, and privates of class three shall include all those privates who have served efficiently three or more years."

"Par. 8. That the annual basic salaries of the officers and members of the Metropolitan police of the District of Columbia shall be as follows: Major and superintendent, \$4,500; assistant superintendents, \$3,000 each; inspectors, \$2,400 each; police surgeons, \$1,600 each; captains, \$2,400 each; lieutenants, \$2,000 each; sergeants, \$1,800 each; privates of class three, \$1,600 each; privates of class two, \$1,500 each; privates of class one, \$1,400 each. Members of said police force who may be mounted on horses, furnished and maintained by themselves, shall each receive an extra compensation of \$540 per annum; and members of the said force who may be mounted on motor vehicles, furnished and maintained by themselves, shall each receive an extra compensation of \$480 per annum; and members of the said force who may be mounted on bicycles shall each receive an extra compensation of \$70 per annum: *Provided*, That patrol drivers of the Metropolitan police are hereby declared to be members of the Metropolitan police of the District of Columbia, but shall not be rated above class-two privates, and those patrol drivers who have been appointed since April 6, 1917, shall be required to pass the usual physical and other tests required for members of the regular force: *Provided further*, That every officer or member of the Metropolitan police at the time this act becomes law, shall, in addition to the salary received by him for his period of service between August 1, 1919, and the time this act becomes law, receive for such period the difference between such salary and the salary payable to him under the provisions of this act, for a period of equal duration.

"Par. 9. No member of the Metropolitan police of the District of Columbia shall be or become a member of any organization, or of an organization affiliated with another organization, which itself, or any subordinate, component, or affiliated organ-

ization of which holds, claims, or uses the strike to enforce its demands. Upon sufficient proof to the Commissioners of the District of Columbia that any member of the Metropolitan police of the District of Columbia has violated the provisions of this section, it shall be the duty of the Commissioners of the District of Columbia to immediately discharge such member from the service.

"Any member of the Metropolitan police who enters into a conspiracy, combination, or agreement with the purpose of substantially interfering with or obstructing the efficient conduct or operation of the police force in the District of Columbia by a strike or other disturbance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$300 or by imprisonment of not more than six months, or by both.

"No officer or member of the said police force, under penalty of forfeiting the salary or pay which may be due him, shall withdraw or resign, except by permission of the Commissioners of the District of Columbia, unless he shall have given the major and superintendent one month's notice in writing of such intention."

"Sec. 2. That one-half of the amount necessary to provide for the increased salaries and compensation of the Metropolitan police authorized in this act is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and the other one-half out of the revenues of the District of Columbia, to supplement the amounts appropriated for the members and employees of the Metropolitan police mentioned in the act entitled 'An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1920, and for other purposes,' approved July 11, 1919.

"Sec. 3. That the watchmen provided by the United States Government for service in any of the public squares and reservations in the District of Columbia shall hereafter be known as the 'United States park police,' and their annual basic salaries shall be as follows: Lieutenant, \$1,900; first sergeant, \$1,700; sergeants, \$1,580; privates, \$1,360; *Provided*, That every watchman employed for such service at the time this act becomes law shall, in addition to the salary received by him for the period of service between August 1, 1919, and the time this act becomes law, receive for such period the difference between such salary and the salary payable to him under the provisions of this section for a period of equal duration.

"Sec. 4. That to provide for the increased salaries and compensation of the United States park police so much as is necessary is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to supplement the amounts appropriated for park watchmen mentioned in the act entitled 'An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes,' approved March 1, 1919."

And the Senate agree to the same.

CARL E. MAPES,
N. J. GOULD,
JAS. P. WOODS,

Managers on the part of the House.

LAWRENCE Y. SHERMAN,
WILLIAM M. CALDER,
MORRIS SHEPPARD,

Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to H. R. 9821, entitled "An act to amend an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901, and for other purposes," submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to the amendment of the Senate, namely:

The Senate amendment struck out all after the enacting clause of the House bill and inserted a substitute therefor. The House recedes from its disagreement to the amendment of the Senate and agrees to the same with amendment as reported by the committee of conference.

The Senate recedes and accepts the House provisions as to the salaries of officers and members of the Metropolitan police force except the salary for police surgeon, which was fixed at \$1,600 per annum instead of the House provision of \$1,400 and the Senate provision of \$1,800; except the salary of captain, which was fixed at \$2,400 per annum instead of the House provision of \$2,300 and the Senate provision of \$2,500; except

the extra compensation of mounted police, which was fixed at \$540 per annum instead of the House provision of \$480 and the Senate provision of \$600; and except the extra compensation of bicycle police, which was fixed at \$70 per annum instead of the House provision of \$60 and the Senate provision of \$75.

The compensation of the major and superintendent, the assistant superintendents, inspectors, lieutenants, sergeants, and privates of classes 1, 2, and 3, and the compensation of the members of the force mounted on motor vehicles remain the same as in the House bill.

The conference report accepts the provision of the Senate amendment requiring the appointment and promotion of the officers, members, and civilian employees of the Metropolitan police to be made according to the provisions of the civil-service act, except the major and superintendent, the assistant superintendents, and the inspectors, and provides for two assistant superintendents, as provided for by the Senate.

The House provision which in effect prevents the members of the police force from joining any organization affiliated with another organization which holds, claims, or exercises the right to strike is retained with an amendment to perfect the text. The Senate recedes from the so-called "Myers amendment," which would extend the scope of this provision to all organizations of Federal employees.

The Senate provisions making it a misdemeanor for any member of the Metropolitan police force to enter into a conspiracy, combination, or agreement with the intent or purpose of substantially interfering with the efficient conduct or operation of the police force in the District of Columbia by a strike or other disturbances is retained.

The conferees accepted the provision of the Senate amendment providing for increased compensation for the watchmen of the Federal parks within the District of Columbia (to be known hereafter as the "United States park police"), which will amount to about \$30,000 per year, and the provisions making appropriations to meet the increases of salaries provided for.

The Senate receded from the provisions of the Senate amendment giving increases of compensation to the civilian employees in the police department, awaiting the report of the Joint Commission on Reclassification of Salaries.

CARL E. MAPES,
N. J. GOULD,
JAMES P. WOODS,

Managers on the part of the House.

Mr. MAPES. Mr. Speaker, the statement gives a very clear explanation of what was done in conference, and unless there is some question—

Mr. BLANTON. Mr. Speaker, I would like to ask the gentleman a question. Is it a fact that the Senate has refused to approve of the conference report?

Mr. MAPES. Not to my knowledge. I do not see how it could, because we have had possession of the papers and the report has not been before the Senate.

Mr. BLANTON. I have not read the evening paper myself, but I heard that to-night's paper had that statement.

Mr. MAPES. I have not heard of it, and it would be impossible, because we have had possession of the papers ever since before the Senate began session this morning. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. MAPES, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

AMENDING THE FEDERAL RESERVE ACT.

Mr. PLATT. Mr. Speaker, I present a conference report on the bill S. 2472, an act to amend the act approved December 23, 1913, known as the Federal reserve act, for printing in the RECORD.

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 2472 having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1, 4, and 17.

That the Senate recede from its disagreement to the amendments of the House numbered 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 18, 20, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35, and agree to the same.

Amendment numbered 14: That the Senate recede from its disagreement to the amendment of the House numbered 14, and agree to the same with amendments as follows: After the word "such," in said amendment, insert the words "general conditions as to security and such"; and the House agree to the same.

Amendment numbered 15: That the Senate recede from its disagreement to the amendment of the House numbered 15, and agree to the same with an amendment as follows: After the word "herein" insert a new sentence as follows: "Nothing contained in this section shall be construed to prohibit the Federal Reserve Board, under its power to prescribe rules and regulations, from limiting the aggregate amount of liabilities of any or all classes incurred by the corporation and outstanding at any one time"; and the House agree to the same.

Amendment numbered 16: That the Senate recede from its disagreement to the amendment of the House numbered 16, and agree to the same with an amendment as follows: After the words "United States" insert the words "authorized by this section"; also strike out the figure "5" and insert "10"; and the House agree to the same.

Amendment numbered 19: That the Senate recede from its disagreement to the amendment of the House numbered 19, and agree to the same with an amendment as follows: Strike out all of the amendment except the word "but" and insert the following: "not engaged in the general business of buying or selling goods, wares, merchandise, or commodities in the United States, and not"; also, after the word "transacting," insert the word "any" and strike out the comma after the words "United States" and before the word "except"; and the House agree to the same.

Amendment numbered 21: That the Senate recede from its disagreement to the amendment of the House numbered 21, and agree to the same with an amendment as follows: The words "except in a corporation engaged in the business of banking, when 15 per cent of its capital and surplus may be invested," stricken out by the House, to be retained in the bill; and the House agree to the same.

Amendment numbered 22: That the Senate recede from its disagreement to the amendment of the House numbered 22, and agree to the same with an amendment as follows: Strike out the word "they" and insert in lieu thereof the words "it either directly or indirectly"; and the House agree to the same.

Amendment numbered 36: That the Senate recede from its disagreement to the amendment of the House numbered 36, and agree to the same with amendments as follows: Strike out the proviso at the end of the first paragraph, and insert a period after the word "corporations"; in the first line of the third paragraph insert after the word "institution" the words "principally engaged in foreign business"; and the House agree to the same.

EDMUND PLATT,
L. T. MCFADDEN,
PORTER H. DALE,
MICHAEL F. PHELAN,
OTIS WINGO,

Managers on the part of the House.

GEO. P. MCLEAN,
CARROLL S. PAGE,
ROBT. L. OWEN,

Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2472) to amend the act approved December 23, 1913, known as the Federal reserve act, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

To nearly all of the restrictions and limitations placed in the bill by the House the Senate conferees readily agreed, but in agreeing with some of them further amendments were submitted and agreed to by the House conferees, as follows:

On No. 14: The right to issue debentures, undoubtedly included in the power to borrow, was clearly set forth and limited in this amendment, which is further safeguarded by the insertion of the words "general conditions as to security and such," so that the amendment as agreed to will read: "to issue debentures, bonds, and promissory notes under such general conditions as to security and under such limitations as the Federal Reserve Board may prescribe, but in no case having liabilities outstanding thereon exceeding 10 times its capital stock and surplus."

On No. 15: To this amendment was added a sentence further referring to the limiting of liabilities "of any and all classes" by the Federal Reserve Board.

On No. 16: The addition of the words "authorized by this section" in this amendment was made to conform with the restrictions upon deposits made above in the same paragraph, and the reserve required is raised from 5 to 10 per cent.

On No. 19: Most of the amendment inserted by the House is stricken out as unnecessary and possibly hampering to the successful operation of the financial corporations in competition with similar foreign institutions and with the great private banking firms. In certain South American countries control of trading companies through ownership of stocks is declared to be necessary, and there are certain other countries where American goods, raw materials, or machinery can not be safely sold on long-time credit unless a voice in the management of the properties during the period of the credit can be obtained. In receding from most of this amendment a further amendment was agreed to making certain that none of these subsidiary corporations should engage in the general business of buying and selling goods in the United States.

On No. 22: This amendment further strengthens the safeguards against attempting to control prices of commodities.

On No. 36: The proviso in the taxation paragraph is stricken out. This has reference to the taxation of shares owned by nonresidents.

In the third paragraph, first line, after the word "institution," the words "principally engaged in foreign business" are inserted to prevent a National or State bank of discount and deposit from being converted into an international banking or financial institution under the terms of this section.

EDMUND PLATT,
L. T. MCFADDEN,
PORTER H. DALE,
OTIS WINGO,
MICHAEL F. PHELAN,

Managers on the part of the House.

LEAVE OF ABSENCE.

Mr. DOWELL, by unanimous consent, was given leave of absence for the remainder of the session.

LEAVE TO EXTEND REMARKS.

Mr. SUMMERS of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on a bill that I have this day introduced.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks. Is there objection?

Mr. BLANTON. Reserving the right to object, on what subject is the bill?

Mr. SUMMERS of Washington. Antisediton, a bill against the Bolsheviks; no politics in it.

Mr. BLANTON. I have no objection.

The SPEAKER. Is there objection?

There was no objection.

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent to have printed in the Record a resolution of the Cottage Hill Farmers' Union of my county of which I am very proud.

The SPEAKER. The gentleman from Kansas asks unanimous consent to print in the Record a resolution by the Cottage Hill Farmers' Union, of Marshall County, Kans. Is there objection?

There was no objection.

The resolution is as follows:

At a meeting of Cottage Hill Union, F. E. and C. U. of A., held November 12, 1919, the following resolutions were adopted:

"Resolved, That we resent the implication that the farmers of this country can be yoked up with greed and lawlessness, whether capitalistic, laboristic, or Bolshevik, and we call upon all in authority to quell lawlessness wherever it may occur with firmness and dispatch, and demand of those in positions of leadership in farmers' organizations and the organizations themselves shall take such action as will place the farmers in the attitude of true, uncompromising Americanism. Be it further

"Resolved, That this union send a copy to the following in authority: Senator CAPPER and Congressman STRONG, also to State President McLaughlin to be published in the Farmers' Union, and a copy be sent to the Blue Rapids Times and the Waterville Telegraph.

"H. T. BRUNNER,
"ED NELSON,
"J. C. STYKER,
"Committee."

Mr. SIEGEL. Mr. Speaker, I ask unanimous consent to print in the Record a tribute to Col. Roosevelt by the Speaker.

The SPEAKER. The gentleman from New York was not recognized for that purpose.

Mr. SIEGEL. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record in which I will include the tribute by the Speaker.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the Record. Is there objection.

There was no objection.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to make a very brief statement as to the business of the session.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to make a brief statement in regard to the business of the session. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, I said this morning that I hoped the House would not attempt to transact any important business for the remainder of the session after the passage of the railroad bill. That is still my view of what should not be done. The Senate is likely to send to the House to-morrow a resolution extending the authority of the War Trade Board over the importation of dyestuffs until the 15th of January. If that comes I hope that it can be agreed upon by unanimous consent. The gentleman from Wisconsin will make the motion to adjourn under which the House will adjourn until noon to-morrow. At that time I hope it may be found possible to obtain an agreement for an adjournment sine die. [Applause.]

If that agreement can not be secured at that time, it is my purpose to seek to secure such an agreement until it is secured, and not to ask the House to transact any important business in the meantime.

Mr. Speaker, I ask unanimous consent that I may extend my remarks in the Record upon the subject of the business of the extra session.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to extend his remarks in the Record on the subject of the business of the session. Is there objection? The Chair hears none.

DEPORTATIONS.

Mr. JOHNSON of Washington. Mr. Speaker, will not the gentleman from Wyoming [Mr. MONDELL] consent to have the chairman of the Committee on Rules call up the resolution from the Committee on Rules allowing the Committee on Naturalization and Immigration to sit during the recess?

Mr. MONDELL. I do not imagine there will be any objection to that, if the gentleman will submit a request for unanimous consent to have his committee sit during the recess.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that the Committee on Immigration and Naturalization be permitted to sit during the recess.

Mr. RAKER. Or a subcommittee of that committee.

Mr. MADDEN. Or a subcommittee.

Mr. JOHNSON of Washington. And to summon witnesses.

Mr. GARRETT. Oh, I shall object to any unanimous consent, but if the chairman of the Committee on Rules desires to submit the resolution, well and good.

Mr. JOHNSON of Washington. It will take only a minute. If the chairman of the Committee on Rules will submit it, it will soon be disposed of. There is some work to do here, and the House is quite liable to be without a quorum.

Mr. CAMPBELL of Kansas. Mr. Speaker, a resolution was agreed to by the Committee on Rules authorizing the Committee on Immigration and Naturalization to sit during the recess of the House, and I will read the resolution.

The SPEAKER. It will only have to be read again by the Clerk, the Chair would suggest to the gentleman.

Mr. CAMPBELL of Kansas. If it is offered, of course it will have to be read again.

Mr. GARRETT. Mr. Speaker, reserving the right to object, I think I can cut the thing a little bit short, if I may be permitted to ask the gentleman from Washington a question or two.

Mr. JOHNSON of Washington. Very well.

Mr. GARRETT. This resolution was agreed to in the Committee on Rules unanimously. Since that time—and I wish to be perfectly frank with the gentleman—I have understood that a resolution has been presented to the Committee on Accounts authorizing this Committee on Immigration and Naturalization to employ an attorney or attorneys?

Mr. JOHNSON of Washington. Yes.

Mr. GARRETT. And that that was being considered. If that is true, the gentleman from Washington will understand why objection is made. We go a long way in the resolution in that we authorize a legislative committee of the House, for the purposes of legislation, to bring witnesses before it and swear them—a most unusual thing.

Mr. JOHNSON of Washington. Yes.

Mr. GARRETT. I want to say to the gentleman with entire frankness that while I agree to that, yet if this is to be followed by a resolution authorizing this committee, for the purpose of preparing legislation, to employ attorneys, I do not feel disposed to let it come up by unanimous consent.

Mr. JOHNSON of Washington. I would say to the gentleman that I have not been able to get the committee together the last two or three days. The only thought of an attorney which was in my mind was to offer the pay of a Member of Congress to an attorney for a week, on some work considered necessary. However, I am quite willing to waive that and get along without an attorney. I waive that provision.

Mr. CAMPBELL of Kansas. Mr. Speaker, the Committee on Rules acts in good faith with Members of the House and must have a complete understanding with the Members of the House with respect to what it does. This resolution authorizes the Committee on Immigration and Naturalization to sit during the recess of the House here or elsewhere, and it is the understanding of the Committee on Rules that "elsewhere" meant New York.

Mr. JOHNSON of Washington. That is true.

Mr. CAMPBELL of Kansas. During the recess of the House, it has since been stated that it was contemplated that a committee should go to the Pacific coast.

Mr. JOHNSON of Washington. That is not the case.

Mr. CAMPBELL of Kansas. If that is true, I will not offer the resolution, and I want the chairman of the Committee on Immigration and Naturalization to make a statement with respect to that.

Mr. JOHNSON of Washington. I will say to the gentleman that it is not contemplated to do anything between now and the 1st of December except to make an investigation at Ellis Island and elsewhere in New York.

Mr. CAMPBELL of Kansas. That was the statement made.

Mr. JOHNSON of Washington. In regard to any further resolution as to expenditure, permit me to say that I secured from the rooms of the Committee on Accounts a copy of a resolution previously adopted and adapted it to this situation, with no thought of asking for powers too broad. This committee has no idea of visiting Hawaii or the Pacific coast or Japan or any far-distant place without additional authority from the House of Representatives.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged resolution from the Committee on Rules.

Mr. MAPES. Mr. Speaker, reserving the right to object—

Mr. CAMPBELL of Kansas. This is not subject to objection.

Mr. MAPES. Will the gentleman yield for me to ask the chairman a question?

Mr. CAMPBELL of Kansas. I will.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 379.

Resolved, That the Committee on Immigration and Naturalization of the House of Representatives, or any subcommittee thereof, in the preparation of such legislation as may be advantageous, necessary, and compatible with sound American policy, be authorized to sit during sessions of the House and the recesses of Congress in the city of Washington or elsewhere in the United States, to compel the attendance of witnesses, to send for persons and papers, and to administer oaths to witnesses.

Mr. CAMPBELL of Kansas. Mr. Speaker, the purpose of the resolution has been stated on the floor. There is an additional purpose that I think the House and the country should know: Many alien enemies have long since been marked for deportation. These enemies are still within the country. Some of them are at Ellis Island. I think it important to the country to know why these men have not been deported and why greater activity has not been undertaken in the deportation of alien enemies and enemies to the Government and people of the United States. [Applause.] It was with the view of expediting the deportation of undesirable enemies of the United States, alien and otherwise, to look into the question of the citizenship of men who have taken partial steps to securing citizenship, that this resolution was agreed to by the Committee on Rules authorizing the Committee on Immigration and Naturalization to take steps in that direction.

Mr. McFADDEN. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I will.

Mr. McFADDEN. My attention has been called to the situation in New York, and I want to ask the gentleman whether this resolution will remedy this situation. I understand at the present time that in New York at the Bureau of Naturalization there are now between 125 and 130 declarations of intentions daily, and that from 40 to 50 per cent of the applications are avowed Socialists, who are sent there by the New York Socialist

organization to become citizens. There is no question, according to the answers given, that they are enemies of our Government and that something should be done by the Congress to remedy the situation. Will this reach that class of people?

Mr. CAMPBELL of Kansas. One purpose of this resolution is to acquaint the membership of the Committee on Immigration and Naturalization with just such a situation and enable them to prepare legislation to meet it.

Mr. McFADDEN. I am heartily in favor of it.

Mr. CAMPBELL of Kansas. I yield five minutes to the gentleman from Tennessee [Mr. GARRETT].

The CHAIRMAN. There is an amendment to the rule which the Clerk failed to report. The Clerk will now report the amendment.

The Clerk read as follows:

Committee amendment: After the word "thereof," line 3, insert the words "for the purpose of examining the proceedings under which deportations are made under the act of February 5, 1917," so that as amended the resolution will read:

"Resolved, That the Committee on Immigration and Naturalization of the House of Representatives, or any subcommittee thereof, for the purpose of examining the proceedings under which deportations are made under the act of February 5, 1917, in the preparation of such legislation," etc.

Mr. GARRETT. Mr. Speaker, this resolution is a very unusual one. Once before during this session the Committee on Rules has reported a resolution authorizing the Committee on the Merchant Marine and Fisheries, for legislative purposes alone, to summon witnesses, to send for books and papers, to administer oaths, and so forth. That is a very unusual proceeding. This is the second resolution of that character, authorizing this Committee on Immigration and Naturalization to send for persons and papers, to administer oaths, and so forth, for legislative purposes, and in order to look into the proceedings in reference to the deportations that should have been made. Now, I think that there are two reasons why deportations have not been made. I do not know whether I should go into that or not, but I think it is due very largely to the personal disposition of that gentleman who was at the port of New York—I have forgotten his name—

SEVERAL MEMBERS. Howe.

Mr. GARRETT. I think very largely due to him in the first place; he is out of the service now, and I think very fortunately for the service, from what I have learned here on the floor of the House. [Applause.] The other reason is the lack of funds to carry out this deportation.

To be entirely frank about it, I do not think this committee in its investigations is going to find anything much more than that, so far as I have been able to learn about it. However, it was agreed by the minority members of the Committee on Rules not to oppose this resolution if the majority decided to take the responsibility of passing it and not to object to it; we agreed that we would share the responsibility with them. I will put it that way. I did learn subsequently that this resolution was pending before the Committee on Accounts, which would involve a lot of expense; and while it has not been the policy, is not now the policy, of the minority to oppose the majority in any investigation of departments that it may see fit to make, at the same time upon this proposition, which is declared to be legislative in intention and not for the purpose of investigating expenditures, I did not feel that I wanted to share, and the minority, so far as I can speak for them, did not feel that they wanted to share, the responsibility of going into the Treasury for money to pay the expenses of an attorney, and for that reason I interposed my objection.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. BLANTON. I want to say to the gentleman that in my judgment until this service is taken out of the Department of Labor and placed in the Department of Justice we shall not get any anarchists deported. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

EXPENSES OF THE COMMITTEE ON IMMIGRATION AND NATURALIZATION.

Mr. MAPES. Mr. Speaker, I present a privileged resolution from the Committee on Accounts.

The SPEAKER. The gentleman from Michigan presents a privileged report from the Committee on Accounts, which the Clerk will report.

The Clerk read as follows:

The Committee on Accounts, to whom was referred House resolution 382, authorizing the Committee on Immigration and Naturalization to make expenditures from the contingent fund of the House in carrying out the provisions of House resolution 319, after having had the same under consideration, recommend its passage, as follows:

"House resolution 382.

"Resolved, That the Committee on Immigration and Naturalization, or any subcommittee thereof, be, and is hereby, authorized and empowered to employ such stenographic, clerical, and legal assistance, and to have such printing and binding done as it may deem necessary.

"All expenses that may be incurred by said committee, including the expenses of said committee or any subcommittee thereof when sitting outside of the District of Columbia, shall be paid out of the contingent fund of the House of Representatives on vouchers signed by the chairman of said committee, or by the chairman of a subcommittee, where such expenses are incurred by such subcommittee."

With the following committee amendments:

In line 3, after the word "empowered," insert the words "under the provisions of House resolution 379."

In line 6, after the word "committee," insert the words "under the provisions of said House resolution 379."

Mr. MAPES. Mr. Speaker, I have a further amendment to carry out the understanding that was had here on the floor.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment offered by Mr. MAPES: Line 4, after the word "clerical," strike out the words "and legal."

Mr. WALSH. Mr. Speaker, will the gentleman state what House resolution 379 is? Will he state what that covered?

Mr. MAPES. That is the one that was just adopted by the House.

Mr. WALSH. Authorizing the committee to sit during the sessions and recess of the House?

Mr. MAPES. Yes, sir.

The SPEAKER. The question is on agreeing to the last amendment by the gentleman from Michigan, striking out the words "and legal."

The amendment was agreed to.

Mr. MAPES. I ask unanimous consent that the word "and" be inserted before the word "clerical."

The SPEAKER. The gentleman from Michigan asks unanimous consent that the word "and" be inserted before the word "clerical." Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the other amendments.

The other committee amendments were agreed to.

Mr. CALDWELL. Mr. Speaker, I would like to ask the chairman of the Committee on Accounts a question. Does not the gentleman think the resolution ought to limit the amount of money to be expended?

Mr. MAPES. The limitation is in the original resolution; and I might say for the purposes of the RECORD that the Committee on Accounts did not report the resolution allowing legal assistance until they were assured that the expenditures for an attorney would be very small, not to exceed at the outside \$500.

Mr. CALDWELL. This carries a proposition to employ stenographers.

Mr. JOHNSON of Washington. That service will be required in order to enable the members of the Committee on Immigration and Naturalization who are willing to stay to perform this work to be back here with the proposed legislation ready the first week in December.

Mr. CALDWELL. I think there ought to be a limitation, and I therefore move as an amendment that the moneys expended under this resolution shall not exceed \$5,000.

Mr. MAPES. I move the previous question on this resolution.

The SPEAKER. The gentleman from Michigan moves the previous question.

Mr. CALDWELL. I have the floor.

The SPEAKER. The Chair was not aware that the gentleman had the floor.

Mr. CALDWELL. I asked recognition and got it.

The SPEAKER. The Chair recognized the gentleman to ask a question. The gentleman from Michigan [Mr. MAPES] has the floor, and he moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution. The resolution was agreed to.

ADJOURNMENT.

Mr. ESCH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 45 minutes p. m.) the House adjourned until Tuesday, November 18, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting report of an inspection of the several branches of the National Home for Disabled Volunteer Soldiers (H. Doc. No. 299); to the Committee on Military Affairs and ordered to be printed.

2. A letter from the Secretary of the Navy, transmitting a tentative draft of a bill to amend the act of February 28, 1919, entitled "An act permitting any person who served in the United States Army, Navy, or Marine Corps in the present war to retain his uniform and personal equipment and to wear the same under certain conditions" (H. Doc. No. 300), to the Committee on Naval Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. VOLSTEAD, from the Committee on the Judiciary, to which was referred the bill (H. R. 10074) to enlarge the jurisdiction of the municipal court of the District of Columbia, and to regulate appeals from the judgments of said court, and for other purposes, reported the same with amendments, accompanied by a report (No. 472), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DICKINSON of Missouri: A bill (H. R. 10608) for the purchase of a site for a public building at Pleasant Hill, Cass County, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10609) for the purchase of a site for a public building at Rich Hill, Bates County, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. TAGUE: A bill (H. R. 10610) to increase the cost of the immigration station at Boston, Mass.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10611) to donate captured cannons to the city of Boston, in the Commonwealth of Massachusetts, for loan to the Bunker Hill Monument Association; to the Committee on Military Affairs.

Also, a bill (H. R. 10612) to provide for the purchase of a site and for the erection of a public building thereon at East Boston, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. LaGUARDIA: A bill (H. R. 10613) providing for appropriation for the purchase of airplanes and airplane motors, with the necessary spare parts, for the Air Service of the United States Army; to the Committee on Appropriations.

By Mr. SUMMERS of Washington: A bill (H. R. 10614) to prohibit and punish certain seditious acts against the Government of the United States and to prohibit the use of the mails for the purpose of promoting such acts; to the Committee on the Judiciary.

By Mr. NOLAN: A bill (H. R. 10615) to employ prison labor for the production of supplies and to authorize their purchase by the Federal Government; to regulate the compensation and hours of prison labor and fix standards; to prohibit the purchase of supplies manufactured by prison labor under private contract; to limit the effect of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured, mined, or produced by prison labor or in any prison or reformatory; and to equip United States penitentiaries and the United States Army prisons and disciplinary barracks and the United States naval prison for the manufacture of supplies for the use of the Government; for the compensation of prisoners for their labor, and for other purposes; to the Committee on the Judiciary.

By Mr. HADLEY: A bill (H. R. 10616) to prohibit certain seditious acts, providing punishment therefor, and prohibiting the use of mails for the promotion of such acts, and for other purposes; to the Committee on the Judiciary.

By Mr. KLECZKA: A bill (H. R. 10617) to prohibit the payment of compensation to Senators, Representatives, and Delegates in Congress, and other officers and employees under certain conditions; to the Committee on the Judiciary.

By Mr. McKINIRY: A bill (H. R. 10649) donating captured German cannon or field guns and carriages to the county of Bronx, State of New York, for decorative and patriotic purposes; to the Committee on Military Affairs.

By Mr. DAVEY: A bill (H. R. 10650) defining sedition, the promoting thereof, providing punishment therefor, and for other purposes; to the Committee on the Judiciary.

By Mr. CRAGO: A bill (H. R. 10651) requiring receivers for national banks to file accounts in the district courts of the United States; to the Committee on Banking and Currency.

By Mr. HULINGS: Resolution (H. Res. 392) ordering an investigation of treatment of military prisoners at Fort Jay, N. Y.; to the Committee on Rules.

By Mr. SEARS: Joint resolution (H. J. Res. 248) to authorize the Secretary of War to permit the temporary use and occupancy of Camp Johnston at Jacksonville, Fla., or any part thereof, by the University of the South, of Sewanee, Tenn.; to the Committee on Military Affairs.

By Mr. GREEN of Iowa: Joint resolution (H. J. Res. 249) to continue the control of imports of dyes and coal-tar products; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 10618) granting an increase of pension to Seymour Stiles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10619) granting an increase of pension to John Wharton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10620) granting a pension to Victoria M. Davis; to the Committee on Invalid Pensions.

By Mr. BEGG: A bill (H. R. 10621) granting an increase of pension to Maria C. Sinclair; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10622) granting a pension to Harriett A. Polley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10623) granting a pension to Henry Reimiller; to the Committee on Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 10624) granting an increase of pension to Mary S. Wilson; to the Committee on Pensions.

By Mr. CASEY: A bill (H. R. 10625) granting an increase of pension to Emaline C. Lindner; to the Committee on Invalid Pensions.

By Mr. DALE: A bill (H. R. 10626) granting an increase of pension to Jason Johnson; to the Committee on Invalid Pensions.

By Mr. DEWALT: A bill (H. R. 10627) granting an increase of pension to William Haines; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 10628) granting an increase of pension to Basil R. Hargett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10629) granting an increase of pension to William P. Davis; to the Committee on Pensions.

By Mr. FULLER of Illinois: A bill (H. R. 10630) granting an increase of pension to Harriet L. Potter; to the Committee on Invalid Pensions.

By Mr. GREENE of Vermont: A bill (H. R. 10631) granting a pension to Lucy A. Leach; to the Committee on Invalid Pensions.

By Mr. HAYS: A bill (H. R. 10632) granting an increase of pension to James T. Dunn; to the Committee on Invalid Pensions.

By Mr. McARTHUR: A bill (H. R. 10633) granting a pension to Christ L. Einkopf; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10634) authorizing the appointment of William S. Biddle, formerly captain of Infantry, United States Army, a captain on the retired list; to the Committee on Military Affairs.

By Mr. MERRITT: A bill (H. R. 10635) for the relief of Vincent L. Keating; to the Committee on Claims.

By Mr. MURPHY: A bill (H. R. 10636) to correct the military record of George Duncan; to the Committee on Military Affairs.

By Mr. HENRY T. RAINEY: A bill (H. R. 10637) granting an increase of pension to John C. Langford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10638) granting an increase of pension to Mathew T. Curry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10639) granting an increase of pension to Donly Toland; to the Committee on Invalid Pensions.

By Mr. RHODES: A bill (H. R. 10640) granting a pension to Alice B. Ward; to the Committee on Invalid Pensions.

By Mr. SEARS: A bill (H. R. 10641) granting an increase of pension to Franklin D. Russell; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 10642) granting an increase of pension to Docie B. Keeble; to the Committee on Pensions.

Also, a bill (H. R. 10643) granting a pension to Henry B. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10644) for the relief of Henry B. Jones; to the Committee on Military Affairs.

By Mr. THOMAS: A bill (H. R. 10645) granting a pension to Florence Moxey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10646) granting a pension to Richard Roads; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10647) for the relief of Dr. W. M. Ewing; to the Committee on Claims.

Also, a bill (H. R. 10648) for the relief of Josiah Morris; to the Committee on War Claims.

By Mr. CANDLER: Resolution (H. Res. 391) for the relief of Mattie Long; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Farragut Post, No. 25, Grand Army of the Republic, Lincoln, Nebr., favoring the Fuller bill; to the Committee on Agriculture.

By Mr. BROOKS of Pennsylvania: Petition of Pennsylvania State Highway Department, protesting against House bill 10182, for regulating interstate use of automobiles and self-propelled vehicles which use the public highways in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. CULLEN: Petition of the Benevolent and Protective Order of Elks of America for the adoption of the Mondell bill to enlarge Yellowstone National Park; to the Committee on the Public Lands.

By Mr. CRAGO: Petition of Grand Lodge Benevolent and Protective Order of Elks, favoring bill to add certain lands to the Yellowstone National Park; to the Committee on the Public Lands.

By Mr. ESCH: Petition of Wisconsin Woman's Suffrage Association, indorsing the Smith-Bankhead Americanization bill; to the Committee on Education.

By Mr. JOHNSTON of New York: Petition of the associated fruit and vegetable industries of eastern and western New York, protesting against House bill 9521; to the Committee on Agriculture.

Also, petition of New York State Horticultural Society, indorsing the adoption of the Capper-Hersman bill to amend the Sherman antitrust law; to the Committee on Ways and Means.

Also, petition of the Railroad Yardmasters of America, the Roadmasters' Association, the Railway Traveling Auditors' Association, and the National Order of Railroad Claim Men, objecting to the passage of Senate bill 3288, known as the Cummins bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Motor Truck Association of America, for the adoption of House bill 9412, known as the Kahn bill; to the Committee on Military Affairs.

Also, petition of sundry citizens of New York State, urging the passage of bill to give soldiers and sailors six months' pay; to the Committee on Military Affairs.

Also, petition of the National Liberty Insurance Co. of America, protesting against the Cummins bill unless amended; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Lithuanian Societies' League of Greater New York, to recognize the complete independence of the Lithuania Republic; to the Committee on Foreign Affairs.

By Mr. KELLY of Pennsylvania: Petition of citizens of Bradock, Pa., opposing the passage of the Smith-Towner bill for Federal department of education; to the Committee on Education.

By Mr. KENNEDY of Rhode Island: Petitions of Providence Lodge 66, Brotherhood of Railway Trainmen; Machinists' Union, Newport; Local 99, International Brotherhood of Electrical Workers, Providence; Central Labor Union, Woonsocket; Central Federated Union, Providence; Central Labor Union, Newport; and Local 776, International Brotherhood of Electrical Workers, Providence, all in the State of Rhode Island, protesting against antistrike clause and other features of Cummins and Esch-Pomerene bills; to the Committee on Interstate and Foreign Commerce.

By Mr. KENNEDY of Iowa: Petition of Burlington Shippers' Association, Burlington, Iowa, and the Iowa Railroad Commission, of Des Moines, Iowa, requesting the support of the Sweet amendment to the Esch railroad bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Division No. 391, Brotherhood of Locomotive Engineers, Fort Madison, Iowa, protesting against the passage of the Cummins labor bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Fort Madison Lodge, No. 172, Brotherhood of Railway Clerks, protesting against the Cummins bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Burlington Post, International Molders' Union of North America, protesting against the passage of the Cummins labor bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Machinists' Union, assembled at West Burlington, Iowa, urging the adoption of the two-year extension bill for the operation of railroads and protesting against any legislation prohibiting workers to strike; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Boiler Makers' Helpers and Apprentices of Local No. 62, of Fort Madison, Iowa, protesting against the Esch-Cummins railroad bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Fairfield, Iowa, urging the adoption of the two-year extension of Government control bill and protesting against any antistrike legislation; to the Committee on Interstate and Foreign Commerce.

Also, petition of shop crafts of Fort Madison, Iowa, protesting against the Esch bill; to the Committee on Interstate and Foreign Commerce.

By Mr. LINTHICUM: Petition of the International Brotherhood of Electrical Workers of Baltimore, Md., urging the two-year extension bill and protesting the passage against any antistrike legislation; to the Committee on Interstate and Foreign Commerce.

Also, petition of J. F. Considine, of Baltimore, Md., protesting against the Cummins bill and the Esch-Pomerene bill and for the adoption of the two-year extension Government-control bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the United Garment Workers of America of Baltimore, Md., protesting against the Cummins railroad bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Baltimore, Md., for the adoption of the Sims railroad bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Maryland section of the American Chemical Society, protesting against Senate bill 2715; to the Committee on Military Affairs.

Also, petition of the Baltimore Federation of Labor for the passage of bill for soldiers and sailors; to the Committee on Military Affairs.

Also, petition of the Baltimore Federation of Labor, protesting against the passage of the Cummins railroad bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Bert W. Caldwell, of Chicago, Ill., urging the enactment of the Stiness Army and Navy salary bill; to the Committee on Military Affairs.

By Mr. MCKINLEY: Petition of Frank Reed, of the Breeze Printing Co., Taylorville, Ill., favoring the cutting to the core the amount of franked trash sent out to become waste paper all over the United States; to the Committee on the Post Office and Post Roads.

By Mr. MICHENER: Petition of the Friends Church of Adrian, Mich., protesting against the enactment of legislation for compulsory military training; to the Committee on Military Affairs.

By Mr. O'CONNELL: Petition of Grand Lodge of the Benevolent and Protective Order of Elks, indorsing the enlargement of Yellowstone National Park; to the Committee on the Public Lands.

Also, petition of the Public Vehicle Chauffeurs' Union, of the District of Columbia, for the adoption of House resolution 334; to the Committee on Rules.

By Mr. RAKER: Petition of Plumb Plan Council; Southern Pacific Board of Adjustment; Brotherhood of Railway Clerks, Local No. 854; California Bay Council of Railway Clerks, all of San Francisco, Calif., protesting against House bill 10453, known as the Esch bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Hattie E. Brockway, postmaster at Vallicita, Calif., urging that fourth-class postmasters be pensioned after 25 years of service; to the Committee on Post Office and Post Roads.

Also, petition of Railroad Train Dispatchers' Association of America, urging that proper legislation be enacted for the protection of the subordinate officials on the railroads; to the Committee on Interstate and Foreign Commerce.

Also, petition of Gen. J. J. Borree, from the State committee on adjustment, of California, urging the passage of the Sweet

bill amending the war-risk insurance act; to the Committee on Interstate and Foreign Commerce.

Also, petition of the adjutant general of the State of California, urging the passage of House bill 9694; to the Committee on Naval Affairs.

Also, petition of Charles E. Jacobs, of Oakland, Calif., urging the consideration of the bill providing for the cooperation of the States in the teaching of home economics and to provide appropriations therefor, and asking that it be amended; to the Committee on Education.

By Mr. HENRY T. RAINEY: Petition for the withdrawal of protection for persons engaged in the liquor business in foreign countries; to the Committee on Foreign Affairs.

By Mr. ROWAN: Petition of Walter Luttgen, of New York, N. Y., opposing such legislation as would limit the amount of return upon capital to the owners of railroad securities; to the Committee on Interstate and Foreign Commerce.

Also, petition of Luthuanian Societies League of Greater New York, favoring the independence of the Luthuanian Republic; to the Committee on Foreign Affairs.

Also, petition of Samuel L. Sargent, favoring House bill 10045; to the Committee on Military Affairs.

Also, petition of Foster Milburn Co., manufacturing chemists, favoring the Calder bill, Senate bill 3011; to the Committee on Agriculture.

Also, petition of National Equal Rights League, favoring the abolition of the obnoxious Jim Crow law; to the Committee on Interstate and Foreign Commerce.

Also, petition of Minnie E. Smith and Nellie W. Heilmauer, of Morningside Drive, New York City, urging certain legislation in the return of the railroads to private ownership; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Grand Lodge of the Benevolent and Protective Order of Elks of America, urging the enactment of House bill 1412, known as the Mondell bill; to the Committee on the Public Lands.

Also, petition of Thomas E. Rush, for the enactment of House bill 6577; to the Committee on Ways and Means.

Also, petition of Thomas E. Rush, favoring the LaGuardia bill, H. R. 6577; to the Committee on Ways and Means.

Also, petition of the Railroad Yardmasters of America, the Roadmasters and Supervisors' Association, the Railway Traveling Auditors' Association, and the National Order of Railroad Claim Men, for certain legislation for the return of the railroads to private ownership; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Public Vehicle Chauffeurs' Union, No. 625, of Washington, D. C., presenting their grievances; to the Committee on Rules.

By Mr. SIEGEL: Petition of Chamber of Commerce of the State of New York, favoring the protection of American citizens' investments abroad; to the Committee on Foreign Affairs.

By Mr. SINCLAIR: Petition of Queen City Lodge, No. 385, Brotherhood of Railway Clerks, Dickinson, N. Dak., protesting against the Esch railroad bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Local No. 1049, Brotherhood of Railway Clerks, Williston, N. Dak., urging every effort to defeat the Esch bill returning railroads to private operation and protesting especially against the labor organizations liability clauses of said bill; to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, November 18, 1919.

(Legislative day of Monday, November 17, 1919.)

The Senate met at 10 o'clock a. m., on the expiration of the recess.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. PENROSE. I suggest the absence of a quorum, Mr. President.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Colt	Fernald	Gronna
Bankhead	Cummins	Fletcher	Hale
Brandgee	Curtis	Frelinghuysen	Harding
Calder	Dial	Gay	Harris
Capper	Dillingham	Gerry	Harrison
Chamberlain	Edge	Gore	Henderson

Hitchcock	McCormick	Phelan	Stanley
Johnson, Calif.	McCumber	Phlips	Sterling
Johnson, S. Dak.	McKellar	Pittman	Sutherland
Jones, N. Mex.	McLean	Polindexter	Swanson
Jones, Wash.	McNary	Pomerene	Thomas
Kellogg	Moses	Ransdell	Townsend
Kendrick	Myers	Reed	Trammell
Kenyon	Nelson	Robinson	Underwood
Keyes	New	Sheppard	Wadsworth
King	Newberry	Shields	Walsh, Mass.
Kirby	Norris	Smith, Ga.	Walsh, Mont.
Knox	Nugent	Smith, Md.	Watson
La Follette	Overman	Smith, S. C.	Williams
Lenroot	Page	Smoot	Wolcott
Lodge	Penrose	Spencer	

Mr. McKELLAR. The junior Senator from Arizona [Mr. ASHURST], the Senator from Kentucky [Mr. BECKHAM], the Senator from Montana [Mr. MYERS], the Senator from Oklahoma [Mr. OWEN], the Senator from North Carolina [Mr. SIMMONS], and the senior Senator from Arizona [Mr. SMITH] are detained from the Senate on official business.

The VICE PRESIDENT. Eighty-three Senators have answered to the roll call. There is a quorum present. The pending amendment is the amendment offered by the Senator from Utah [Mr. KING] to the amendment offered by the Senator from North Dakota [Mr. McCUMBER]. The amendment and the amendment to the amendment will be read.

The SECRETARY. The Senator from North Dakota [Mr. McCUMBER] proposes as an additional reservation the following:

The United States withholds its assent to Part XIII (articles 387 to 427, inclusive) of said treaty unless Congress, by act or joint resolution, shall hereafter make provision for representation in the organization established by said Part XIII, and in such event the participation of the United States will be governed and conditioned by the provisions of such act or joint resolution.

The Senator from Utah [Mr. KING] proposes as a substitute the following:

The United States withholds its assent to Part XIII, comprising articles 387 to 427, inclusive, of the said treaty of peace, and excepts and reserves the same from the act of ratification, and the United States declines to participate in any way in the said general conference, or to participate in the election of the governing body of the international labor office constituted by said articles, and declines in any way to contribute or be bound to contribute to the expenditures of said general conference or international labor office.

Mr. McCUMBER. On that I ask for the yeas and nays.

Mr. THOMAS. Mr. President, I shall vote for the substitute offered by the Senator from Utah to the proposed reservation affecting Part XIII. If that is defeated, I shall vote for the reservation offered by the Senator from North Dakota. Whether that reservation is adopted or rejected, I am compelled to cast a negative vote upon the treaty if it retains some articles of the part to which that reservation is directed unless they shall be materially modified by specific reservations directed thereto.

My understanding of the effect of the substitute is that it excludes Part XIII from the treaty, the Senate withholding its assent therefrom. I am convinced, as I have heretofore declared during the consideration of the treaty, that the United States can not afford to accept this part of the treaty and at the same time do justice to its own people and preserve unimpaired the institutions of the Republic. My apprehensions regarding the subject may be unfounded or unduly exaggerated, and I hope they are, especially if this treaty is to become the supreme law of the land. But if an investigation, attended by a sincere desire to approve the treaty, and to which I have brought a mind entirely free from prejudice, means anything to the individual, I am carried to that conclusion.

I have heretofore analyzed some of the articles in Part XIII. Some Senators did me the honor to give attention to my remarks and others, I hope, have since read what I then had to say. However that may be, I shall not weary the Senate by repetition except in so far as it may be necessary to make my attitude clear.

I am unable, Mr. President, to support the provisions of the treaty which in effect confers sovereignty upon each and every organization of employers and employees throughout the world, clothing them with several authority to summon members of the league before a tribunal of its own creation to stand trial as an ordinary litigant, bearing, of course, the consequences which the tribunal may dictate as essential to the observance of its judgment. It is a fundamental principle of constitutional law that the sovereign can not be sued by the subject. No association however strong, no corporation however extended its activities, can summon a State of the Union or the United States to the bar of any tribunal. And that is as it should be.

Some years ago, before this generation, a constitutional amendment was deemed essential that the States might be forever exempt from judicial proceedings instituted against them in the courts of the United States. The arguments upon which the need for that amendment was based are infinitely

stronger in support of the proposition that no organization, and particularly no foreign organization, should be clothed with such power; yet it is the fact that such a covenant appears in Part XIII of the treaty of peace.

I have had occasion, Mr. President, to emphasize the tendency of all of these organizations whenever social conditions, the supposed execution of an obnoxious law, or the laxity of executing a popular one to appeal to "direct action," as it is called, rather than to abide by the slower, more just, and orderly processes of the law.

Mr. HARDING. Mr. President—

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. THOMAS. I yield.

Mr. HARDING. I dislike to scold, but I came across the Chamber to sit immediately in front of the speaker in order to hear him, and I can not distinctly hear him even at this distance.

The VICE PRESIDENT. Well, the Senate prides itself on being a self-governing body, and the Chair does not feel called upon to sit here and hammer the desk all the while in order to get Senators to behave themselves.

Mr. HARDING. If the Chair will permit, then, I shall repeat the request for order from time to time.

Mr. THOMAS. Hence, Mr. President, I assert that this power, if granted, will be subject to continuous, chronic, and perpetual exercise, and especially against the principal allied and associated powers. They will be summoned not only in succession but by repeated contemporaneous complaints to answer charges of every description, thereby placing the sovereignties of the world in a continual and chronic state of defensive litigation, the expense of which we can neither foresee nor prescribe, unless as to ourselves the Congress shall emphatically refuse to enact financial legislation whereby the public revenues shall be diverted from their legitimate purposes to those I am considering.

The spectacle of Great Britain, the United States, Japan, Italy, and France, or even Siam and Liberia haled before a foreign tribunal to answer complaints made by societies foreign to themselves is so monstrous, both in its conception and in its consequences, that I am amazed that such provisions should have been tolerated, much less introduced, in a great world treaty, whatever their apparent necessity. Hence, Mr. President, any article of this treaty permitting such consequences or possibilities, supplemented as they are by others permitting single individuals as delegates to the general conference to do the same thing, should not, in my judgment, receive the approval of any Senator disposed to give a moment's reflection to the subject.

This proposed league of nations, according to its terms, is confined to members of the league, both present and prospective. Certain nations have been invited to join; others have not been mentioned; but the general labor conference, now in session, notwithstanding we are still considering the treaty, has received the delegates of three nations not members of the league into that body, two of them being enemy countries, the other, Finland, not yet receiving that recognition which is essential to enable it even to become a candidate for league membership. The misfortune is that in carrying out this policy the members or delegates to the conference have the sanction of a resolution of the peace conference at Versailles, expressly recommending that policy. If Finland can be admitted, so can Turkey, so can Russia, so can all peoples of the world pretending to have a government of their own. Our legislation can be controlled as to all matters of labor concern in the United States and our sovereignty can be haled before these foreign tribunals by delegates or by any delegate to the conference, whether such delegate represents members of the union or nations which are not members of the union.

To illustrate, the delegate or delegates from Finland may individually or collectively file complaint against the United States that it is not carrying out or effectuating some covenant or the recommendation made by the general conference and subsequently adopted by the various countries. Of course, I do not contend that the proposals for covenants or draft conventions, as they are called, by the general conference bind this Government until we shall adopt them; but when Brockdorff-Rantzau on the 22d of May protested against the incorporation into the league of Part XIII because its conference did not include all nations and also because the conference to be created was not given power of independent legislative action, Clemenceau, speaking for the conference at Versailles, answered that such power of independent legislation was recommended in a resolution adopted by the commission preparing Part XIII and intimated that the right of independent legislation was only a question of time.

I put a copy of that resolution in the RECORD of the 31st of October. The Labor Union Internationale, which is but another name for the international socialists of Europe, in their previous conference at Berne especially demanded that program, and they have followed it up by announcing that in the future the labor delegations to the conference who act under and by its direction, which, of course, means the exclusion of labor, except in so far as that body may be representative of certain organizations, intend to press, and will press, the extension of the provisions of Part XIII so as to give to the resolutions and enactments of the general labor conference *eo ipso* the power, force, and effect of international law. It is to that end we are drifting; it is to that end we will surely come, in my judgment. If by this treaty we erect one great class of people in the world into a separate body and endow them with independent legislative power, which means legislation inimical to everyone else, not only in the nations inside but the nations outside of the league. This, to my mind, constitutes through Part XIII a system which creates not a supernational composed of a class common to all countries, and recognized as possessing rights peculiar to themselves, requiring their own recommendations and their own legislation for their preservation and advancement.

Such a government would be sufficiently sinister if it were proposed seriously by this Nation as affecting itself or by a single State in the Union as affecting itself, much more as a grand world scheme, denominated by the President as labor's Magna Charta, yet bound in its operation either to deliver the world to the purposes of international socialism or by the enactment of class legislation, the adoption of which can be forced by the use of the boycott, the strike, or both combined, operating upon every nation whose people without the power or the will at whatever sacrifice to resist such innovation. The result is inevitable. The supernational becomes the supreme one or the subject nation must throw it off. In either alternative the peace of the world can not endure.

Mr. President, in my judgment, the way to avoid such possibilities is to begin at the beginning and take no chances. If Mr. Clemenceau speaks for France in his answer to Brockdorff-Rantzau, that is the concern of the French Republic, not ours; if he is authorized to speak for Great Britain, very good; but he should have no right to speak for us upon a subject involving our fundamental rights and ignoring our constitutional limitations. Only the judicial and legislative representatives and spokesmen of our own people may do so.

Mr. President, it is for these reasons particularly that I hope to see the substitute of the Senator from Utah adopted; and if not, then I ask the Senate to support the reservation offered by the Senator from North Dakota.

Mr. SMITH of South Carolina. Mr. President—

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. THOMAS. I yield.

Mr. SMITH of South Carolina. I find a provision in Part XIII, bearing on the point the Senator has just been making, which reads:

If on a recommendation no legislative or other action is taken to make a recommendation effective, or if the draft convention fails to obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the member.

For instance, if the delegates of the United States did not agree to whatever resolutions or agreements the conference had reached, then, according to the provision I have read, there would be no further obligation.

Mr. THOMAS. Undoubtedly; undoubtedly; and that is the reservation which it is proposed by the resolution of those drafting this part of the treaty to repeal by clothing the recommendations of the general conference with the force of international law. Now, you tell me, and I concede it, that the operation of that clause of article 405 is a safeguard, to which we must cling if these reservations are to be rejected. But let me answer the Senator by putting a suppositious case.

Suppose that the general conference shall agree upon and recommend legislation to the members regarding some subject. It makes no difference what it is so long as it is within the purview of the general purpose of Part XIII to bring about strict uniformity of labor conditions throughout the world. It is passed by a two-thirds vote of the members interested in the adoption of such legislation or the acceptance of such a covenant, and we will say that behind it are Great Britain, France, Italy, Japan, Belgium, and our other competitor nations, and the United States refuses to accept it. What then? Does not the Senator know that the whole power and force of this international creation, the tremendous organizations behind it and with which ours are identified, because they are all international, will, by political and economic influences, bring pressure to bear upon

the Government of the United States to force its adoption? It may not succeed; but we can easily understand the social, industrial, and political disorders and upheavals and possible bloodshed which must inevitably follow the adoption and enforcement of such a policy.

Mr. SMITH of South Carolina. Mr. President, the point I was getting at was that in any event each sovereign power has the right to accept or reject; and if it rejects, then no obligation rests upon that sovereign power.

Mr. THOMAS. That is true; but that power is still subject to the pressure of those tremendous influences which are organized to make such recommendations universal, not only among the members of the league but among those nations which lie outside of it. And right there I call the attention of the Senator to the closing sentence in article 396. The functions of the international labor office constitute the subject of article 396, and it is there provided that—

Generally, in addition to the functions set out in this article it shall have such other powers and duties as may be assigned to it by the conference.

No limitation whatever is placed upon that grant of authority; and the general conference, by a majority vote—because the two-thirds required by Part XIII is limited to these recommendations for draft conventions—may endow the international labor office with powers and authority which, however unconstitutional and unheard-of, that body will exercise, if possible, and have behind it the united force of the class in whose interest and for whose benefit Part XIII is specifically designed and by whose representatives it was prepared; for when Mr. Gompers returned to this country he said: "The provisions of Part XIII were drawn by labor for labor." I am not criticizing that. The commission delegated to draft it were representatives of labor, and they would have been unmindful of their trust and of their responsibilities if they had not sought by every possible means so to frame these articles of Part XIII as to safeguard and promote the interests committed to their keeping and which they were designed to subserve.

But, Mr. President, I must pass from that subject to another before I resume my seat. At the risk of repetition, I want again to refer briefly to articles 423 and 426 of Part XIII.

Article 423 reads:

Any question or dispute—

Not some questions, but any question or dispute—

relating to the interpretation of this part of the present treaty or of any subsequent convention concluded by the members in pursuance of the provisions of this part of the present treaty shall be referred for decision to the permanent court of international justice.

Section 426 provides that—

Pending the creation of a permanent court of international justice, disputes which, in accordance with this part of the present treaty, would be submitted to it for decision will be referred to a tribunal of three persons appointed by the council of the league of nations.

If these articles mean anything—and the language is perfectly clear—they mean that we must surrender or delegate to a tribunal to be hereafter created, and pending its creation to a tribunal of three to be appointed by the executive council, every question or dispute affecting the interpretation not of the treaty but of this part of the treaty. Some of its provisions may be unconstitutional, or that question may be raised. Some of its provisions may seriously affect in their private capacity the lives or property or business of citizens of the United States. Some may involve great problems of international concern about which heretofore the judicial power of the United States had been invoked, and properly invoked, for their solution; but these articles would deprive the Supreme Court of the United States or the other courts created by Congress under the Constitution of their jurisdiction over such disputes or such questions, and transfer them in the first instance to the jurisdiction of a tribunal which may be composed of three foreigners, and ultimately to an international tribunal upon whose bench we may or may not be represented.

Mr. FLETCHER. Mr. President, may I ask the Senator if he thinks the decision of the council or the selection by the council of this tribunal of three persons would be accomplished by a majority vote of the council?

Mr. THOMAS. No, I do not; and that is comforting.

Mr. FLETCHER. Or would it take a unanimous vote of the council?

Mr. THOMAS. I have heretofore said the introduction of the principle of unanimity into this treaty, while it may prevent the creation of such a tribunal, is a principle which tends to make the whole scheme unworkable. The unanimity required as a condition of affirmative action by the Polish Diet was the prime cause of the collapse of the old Polish Kingdom, and here its operation will be challenged, fortunately, in an instance of this kind; but I do not think we should take any chances upon

that, for if the treaty is ratified, and the ratifications exchanged, our member upon the executive council, if he performs his duty as he should, must agree, because the treaty requires him to agree, to the creation of this tribunal. He may see to it that one American is upon it. He can not demand more than that; but, unfortunately, the principle of unanimity does not apply expressly to the action of the tribunal itself when created. In other words, this international tribunal or the temporary tribunal of three may decide and enforce its judgment by a majority vote or majority decision, just as the Supreme Court of the United States and other courts do.

But independently of that, Mr. President, I want to put the question fairly and squarely, particularly to the lawyers who occupy seats in this distinguished body—men of learning, men versed in the principles and practice of constitutional law and construction—whether the proposals involved in sections 423 and 426 do not conflict with the Constitution of the United States, in that we propose to delegate a part, a fundamental part, an indispensable part of the judicial power to a foreign tribunal?

"Oh," you may reply, "the Supreme Court of the United States will never permit that"; and I quite agree that until it degenerates to a degree that is unthinkable it will sustain the integrity of our institutions of the country and insist upon the exercise of their judicial functions. But, Mr. President, shall we escape our own responsibility and vote for two articles in this treaty that seem to infringe upon and violate the Constitution of the United States merely because we can take refuge and the country can take refuge in the ultimate action of the Supreme Court? We also have sworn to support the Constitution of the United States. Upon us, also, is the duty of vindicating the integrity of our institutions; and we can not, if we would, escape that responsibility by comforting our consciences with the reflection that we have passed it to the judicial authority, satisfied that they will sustain it with courage and unflinching devotion.

Mr. REED. Mr. President—

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Missouri?

Mr. THOMAS. I yield for a moment.

Mr. REED. In what way could this question really get before the Supreme Court practically? I can conceive phases of it, but in its broad aspects, how could our Supreme Court protect us?

Mr. THOMAS. Mr. President, there are a number of ways in which the Supreme Court could acquire jurisdiction of the question, particularly if some recommendation or draft convention were adopted by the United States which was challenged by one of the States of the Union or by any particular line of commercial activity. I think they could question its application by assailing its unconstitutionality, and there are many other methods.

Mr. REED. I only wanted to direct the Senator's attention to that point. I assume that phases of it, details of it, could get before our Supreme Court; but if this thing is set up, if it undertakes its general broad purpose, can our Supreme Court afford us any adequate protection?

Mr. THOMAS. It can not afford us any immediate protection. At one time I flattered myself that the old doctrine of no wrong without a remedy was a rule admitting of very few exceptions. Of recent years I am somewhat doubtful of the universal integrity of that rule, but I will trust to the American people to devise methods, and effective methods, of securing a judicial interpretation of these parts of the treaty if necessary.

I am aware that the Supreme Court decided, and properly decided, some years ago, that the construction and operation of treaties, viewed as contracts between independent nations, are questions for the political departments of the contracting powers and not for the courts. Assuming the universality of that principle, there still remains the infraction of the exercise of that power, the power of political construction, by the delegation of jurisdiction of all these disputes and questions to this international tribunal. So it impinges not only upon the judicial power but upon the political power of construction, the chief one to be applied to treaties, except in case of disputes involving personal or general rights.

I am aware also, Mr. President, that many treaties in the past contained, and very properly contained, provisions for referring certain disputes between nations to the arbitrament of tribunals either existing or to be named. But those are treaties establishing procedure for disputes that may arise independent of any treaty, as well as those arising under them. Questions of interpretation, disputes as to the application of the text of treaties, and, above all, the mighty question of the relation of the treaties

to the limitations of the Constitution are so clearly within the province of the judicial power of this country that it is not necessary to waste the time of the Senate in a citation of authority in support of the proposition. The fundamental fact stands out that by sections 423 and 426, applicable to only a part of the treaty, but a very important part, we propose to clothe a tribunal not yet created, and until created and filled to a commission of three to be appointed by some other power, to determine for all time and for us, regardless of their effect upon our institutions and our organic law, controversies of the most tremendous character, controversies of comparative unimportance, all controversies which are the subject of dispute or contention regarding this part of the treaty.

For one, Mr. President, I am unable in the absence of a reservation such as is suggested by the Senator from Utah [Mr. KING] to give the sanction of my affirmative vote to a treaty containing such a provision. We can not delegate any authority, executive, legislative, or judicial, to any custodians, foreign or domestic. They have been distributed by the organic act of the Republic. Only the people, through organic changes, can disturb them.

Mr. McCUMBER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harding	McNary	Simmons
Ball	Harris	Moses	Smith, Ariz.
Bankhead	Harrison	Myers	Smith, Ga.
Borah	Henderson	Nelson	Smith, Md.
Brandegee	Hitchcock	New	Smith, S. C.
Calder	Johnson, Calif.	Newberry	Smoot
Capper	Johnson, S. Dak.	Norris	Spencer
Chamberlain	Jones, N. Mex.	Nugent	Stanley
Colt	Jones, Wash.	Overman	Sterling
Cummins	Kellogg	Owen	Sutherland
Curtis	Kendrick	Page	Swanson
Dial	Kenyon	Penrose	Thomas
Dillingham	Keyes	Phelan	Townsend
Edge	King	Pinchips	Trammell
Elkins	Kirby	Pittman	Underwood
Fernald	Knox	Polindexter	Wadsworth
Fletcher	La Follette	Pomerene	Walsh, Mont.
France	Lenroot	Ransdell	Warren
Frelinghuysen	Lodge	Reed	Watson
Gay	McCormick	Robinson	Williams
Gerry	McCumber	Sheppard	Wolcott
Gronna	McKellar	Sherman	
Hale	McLean	Shields	

The VICE PRESIDENT. Ninety Senators have answered to the roll call. There is a quorum present.

Mr. McCUMBER. Mr. President, I ask the attention of the Senate and each Senator for a moment, to explain the difference between the reservation which I offered and the substitute offered by the Senator from Utah [Mr. KING], and I shall take only a minute to explain the difference.

The real difference, Mr. President, is the difference between the use of an ax and an anesthetic in performing a surgical operation. Both have exactly the same effect in reducing the patient to a state of insensibility. The difference between the two, however, is that one kills while the other leaves open the door of hope. The Senator's substitute provides that—

The United States declines to participate in any way in the said general conference, or to participate in the election of the governing body of the international labor office—

And so forth.

The Senator from Colorado [Mr. THOMAS] was correct when he said the effect of it is a rejection of Part XIII.

The reservation which I offered reads this way:

The United States withholds its assent to Part XIII (articles 387 to 427, inclusive) of said treaty, unless Congress, by act or joint resolution, shall hereafter make provision for representation in the organization established by said Part XIII—

And that is not all—

and in such event the participation of the United States will be governed and conditioned by the provisions of such act or joint resolution.

Mr. President, there are a great many labor organizations which feel that some benefit might be derived at some time in the future by a world's conference on the question of labor and conditions of labor. They, I think, as a rule, do not want this particular part of the treaty; but I want to leave open the door so that at any future time the Congress of the United States may say to what extent we will enter into such a conference, and to what extent we will allow our representatives to bind us in any matter on such a conference.

I think that ought to be done. I do not want to offend needlessly any of these organizations which have a hope to secure some benefit. Therefore I think that while the two reservations both bring about the same result, and nothing can be done unless Congress hereafter provides the necessary legislation and governs and controls the right and authority by that

Congress, we ought not to say that we shall never have anything to do with the matter in any way, shape, or form. That is the real difference between the two.

I believe we can secure some good by an international labor conference, but it is not necessary that the Nation should be made subservient to any organization in order to secure that end.

Mr. MYERS. Mr. President, as between the ax and the anesthetic, so far as Part XIII of the peace treaty is concerned, I prefer the ax. I think it would be more effective.

I shall support the substitute offered by the Senator from Utah [Mr. KING] for the reservation offered by the Senator from North Dakota [Mr. McCUMBER]. I think it vastly better and more effective. If that shall fail to be adopted, then I shall vote for the reservation offered by the Senator from North Dakota.

If this supergovernment which is contemplated by Part XIII of the peace treaty should be erected, I think it would simply be an international body of official meddlers. I think it would be continually meddling with the industrial conditions of the world and would keep them in a continual stew and upheaval, in a condition of uncertainty, just as they are now in this country. I think it is intended for that purpose by some who are interested in it and think it would serve that purpose. I believe it is intended by the radical element of labor as a means to enable it to put its heel on the neck of the world just as it has its heel on the neck of this country to-day, and I believe it would serve that purpose. I believe it would afford constant opportunity for complaint against industrial conditions of the different countries of the world and be the means of bringing those countries to the bar of this supergovernment which it seeks to erect.

Mr. WILLIAMS. Mr. President—

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Mississippi?

Mr. MYERS. I yield, with pleasure.

Mr. WILLIAMS. Of course I take it that the Senator has looked up the method of organization and membership of this international labor conference?

Mr. MYERS. Yes; I have read Part XIII.

Mr. WILLIAMS. It is proposed that the Governments are to appoint and the employers are to appoint and the employees are to appoint, which gives a two-thirds majority to the employers and the Governments, if united, or to labor and the representatives of Government, if they are united, or to the employers and the employees against the Government, if they are united. How could the radical element of the world in labor take possession of and control a body two-thirds of which are appointed, one half by the Governments of the world in their official capacity and the other half by the employers in equal number?

Mr. MYERS. Yes; I know all of that. Much would depend on who might represent the public. In the recent conference between capital and labor which assembled in Washington one of the representatives of the public was Mr. B. M. Jewell, who, I believe, said that if the President pursued a certain proposed course regarding the railroads last August they would be tied up so tight they would never run again. I understand Mr. William Bullitt and the Rev. Dr. Herron have also been representatives of this Government in international matters.

Mr. THOMAS. If the Senator will permit an interruption—

Mr. MYERS. Certainly; with pleasure.

Mr. THOMAS. I think it might be appropriate to add that when the commission prepared Part XIII and presented it to the conference at Versailles, signed by Mr. Gompers and the secretary of the league, the statement was made that, inasmuch as labor rather than the employers would probably control the Government delegates, they accepted that division of delegates.

Mr. MYERS. I think there is a strong probability of it. I think this tribunal would keep the industrial world in a state of perpetual stew, unrest, and uncertainty, and would thus interfere very materially with the reconstruction and development of the world.

I think most of these bodies of arbitration, compromise, mediation, and conciliation have that effect. I believe most of them result in more harm than good, because always there are certain to be very radical elements in those conferences, and, while they may not be in the majority, they have the opportunity to raise questions that neutralize any good that might otherwise result from the conferences.

I think that was the case with the conference recently called by the President between capital and labor which assembled in Washington. In that conference representatives of labor injected into it the issue of determining the steel strike and insisted that it be settled by that body in the way that the

strikers wanted it settled, and in doing so they simply broke up the conference and aborted and neutralized whatever good might otherwise have come from that conference, which was called, I have no doubt, for a good purpose and from the best of motives; but it resulted in nothing except harm. If that conference had not been called, I believe the steel strike would be ended to-day.

I think that is the way with most of these conferences in which it is sought to reconcile irreconcilable forces and interests.

There is a conference now going on in the city of Washington that, I believe, is likely to result in more harm than good. That is the conference between the coal-mine operators and the striking miners which is being conducted by the Secretary of Labor. The President of the United States, the Secretary of Labor, the Attorney General, and a high court have all declared that the coal strike is an unlawful strike. If I am correctly informed, the Secretary of Labor has said that the coal miners were working under a contract which has not expired, and which will not expire until peace is declared or until the 31st of March, 1920.

The Attorney General has said the same thing. Judge Anderson decided the same thing. If those declarations are true; if the President of the United States, the Secretary of Labor, the Attorney General, and Judge Anderson were right in their pronouncements upon the strike; if the strike is unlawful and in violation of contract, then those miners should have been told to go back to work and fill their contract, and should have been told that if they did not do so other laborers would be put in their places to work the mines, and that, if necessary, martial law would be declared and the United States Army would be called out to protect the strike breakers from interference. Instead of that they are called into a conference and apparently the Secretary of Labor is seeking to get for them a part of their demands in violation of their contract—not all of them, but a part of them.

I believe that such an example, if successful, will have a bad effect upon the country. It will encourage other workers who have contracts to strike in violation of their contracts, in the belief that the Department of Labor or some other mediating authority will call them into conference and that thereby they will get a part of what they are not entitled to under their contracts.

It will encourage men to act on the theory that if I sue a man for \$500, when I know he does not owe me a cent, some mediating board or power will call us into conference and advise the defendant that he would better pay me \$50 that he does not owe me than to hire a lawyer and go into court and defend the case, especially if I am not good for a judgment against me for costs.

In my humble opinion, if the Department of Labor would devote more effort to deporting anarchists and less to trying to get strikers engaged in an unlawful strike a part of their demands, which are inconsistent with the terms of their contract, it would be doing more good for the country. The coal situation, in my opinion, is a situation in which a little Grover Cleveland backbone would be useful. I believe it would be more beneficial to the country than all of the conferences that may be held.

I believe it would be just so with the proposed international conference if it were established. In my opinion it would afford an opportunity for the international industrial boycott and would enable the freaks, lunatics, and Bolsheviks of Europe to make all sorts of demands upon and complaints against the stable governments of the earth. Under it some socialist government in Europe might undertake to make trouble for this country because the infamous, red-handed murderer, assassin, anarchist, Tom Mooney, is not granted a new trial or a pardon, and might seek to bring this country to bar before this tribunal to defend its action.

Complaint might be made of this Government that it does not grant the demands of the steel strikers or the coal strikers or some other strikers. This country might have to go to the expense and trouble of appearing before this tribunal and defending itself for not having legislation demanded by strikers.

If we should have a nation-wide railroad strike, which we are liable to have at any time—and I see, by the way, it is reported that the Director General of Railroads has just put \$3,000,000 a month more upon the tax-ridden people of this country to go to the railroad employees in the hope of persuading them to postpone for a while the nation-wide railroad strike which they have declared inevitable unless they get all of their demands.

Thirty-six million dollars a year by a stroke of the pen, if reports be true, put upon the people and consumers of this country for the benefit of the railroad employees, notwithstanding

ing the railroads are being conducted by the Government, I understand, at a loss of a million dollars a day. As I started to say, if repeated and continued demands of railroad employees should not be granted, and there should be a nation-wide railroad strike, complaint might be made by some socialist government in Europe or some other part of the world that we were not granting legislation demanded by railroad strikers. Our country might be brought to the bar of this tribunal to answer to that. It would simply mean, I apprehend, an interminable and unending lot of strife and contention and commotion, disputes, and controversies, and the keeping of the entire industrial world in a chaotic state. Any European socialistic sniper could from that ambush fire a shot at the industries of any country of the world that he chose to try to stir up trouble for.

Mr. WALSH of Montana. Mr. President—

The VICE PRESIDENT. Does the Senator from Montana yield to his colleague?

Mr. MYERS. I yield, with pleasure.

Mr. WALSH of Montana. I have not studied this article with the care with which I should like to have studied it if I had had the time at my disposal, but I desire to say to my colleague that I have not been able to discover in my study of it that such a proposition as he suggests could by any possibility come before the tribunal.

Mr. MYERS. I have read this part of the treaty in full, but I have not read it recently and have not all of the details in my mind.

Mr. WALSH of Montana. I may say to the Senator that I can not think that he advisedly informs the Senate that all disputes respecting particular wages that should be paid to certain employees could come for adjudication before any tribunal constituted under this part of the treaty.

Mr. MYERS. As I have said, I have read the article in full with painstaking and care but not recently, and I do not remember all of its details. I will say, however—

Mr. WALSH of Montana. I inquire of my colleague if I am incorrect in this statement: The conference recommends a draft convention; it may make recommendations as to certain legislation or it may make a recommendation of a draft convention, which is practically a treaty. If we enter into a draft convention or a treaty, under which we obligate ourselves to pass certain legislation and we do not enact that legislation, then the particular member may be cited before the tribunal to show cause why it does not enact the legislation; or if it has enacted it and it does not carry it out, it may be cited before the tribunal. Is not that the limit of the jurisdiction of the tribunal?

Mr. MYERS. I was going to say that I was basing my assumptions upon statements made this morning on the floor by the Senator from Colorado [Mr. THOMAS]. I am not quoting him, but as I caught the drift of his argument it was that any government which was represented on the tribunal might make complaint against any other government, a member of the tribunal, that it had not lived up to any principle laid down by the tribunal.

Mr. WALSH of Montana. I will advise my colleague that there is not anything of the kind in Part XIII. It is simply provided that the conference may pursue one of two courses: It may either recommend legislation to the various members—which is a mere recommendation of legislation; they may adopt that recommendation or not, as they see fit—or it may recommend a draft convention, which is a treaty, proposing to the various nations that they enter into a treaty by which they shall obligate themselves to enact certain legislation. If they do enter into the treaty by which they obligate themselves to enact the legislation, and they do not enact the legislation or they do not enforce the legislation which they do enact, they can then be cited before the tribunal for adjudication. That is all. The only two questions that can come up are, first, did you enact the legislation that you agreed by treaty that you would enact, or have you enforced the legislation which you have enacted?

Mr. MYERS. I take it from my understanding of the matter that if a government is represented on the tribunal and the tribunal, by a majority vote, recommends the enactment of certain legislation, that government is bound by it, whether it agrees to enact the legislation or not?

Mr. WALSH of Montana. I am glad to correct my colleague about that. There is not anything of that kind in Part XIII.

Mr. MYERS. Then, my colleague informs me that a member nation can not be bound by anything in the way of legislation recommended by the tribunal to which it does not agree?

Mr. WALSH of Montana. To which it does not agree by treaty. I will read the article if my colleague will permit me.

Mr. MYERS. I shall be glad to have my colleague read the article.

Mr. WALSH of Montana. I read from article 405:

In the case of a draft convention—

Which is a treaty—

the member will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the convention to the secretary-general and will take such action as may be necessary to make effective the provisions of such convention.

If on a recommendation no legislative or other action is taken to make a recommendation effective, or if the draft convention fails to obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the member.

Then, article 416 provides:

In the event of any member failing to take the action required by article 405, with regard to a recommendation or draft convention, any other member shall be entitled to refer the matter to the permanent court of international justice.

Article 417 reads:

The decision of the permanent court of international justice in regard to a complaint or matter which has been referred to it in pursuance of article 415 or article 416 shall be final.

That is, the matter which is to be submitted to the court of international justice.

Mr. MYERS. I take it under that, Mr. President, that if this Government should agree to enact legislation of a certain character and the tribunal was of the opinion or a complaint was made that this country had not carried out that legislation in a proper spirit or had not enacted it in the way it was intended by the tribunal, a complaint might be made against this country and it might be brought to bar by the tribunal.

Mr. WALSH of Montana. The Senator is quite right.

Mr. MYERS. So it would be a question of whether this country had carried out the spirit of the decree of the tribunal, and the tribunal would be the judge as to whether this Nation had carried out its spirit and enacted the legislation in the way that the tribunal thinks it ought to be enacted and whether or not the acts of this country complied with the interpretation of the tribunal.

Mr. WALSH of Montana. Mr. President, my colleague has been very kind to me in permitting interruptions.

Mr. MYERS. I gladly yield further to my colleague.

Mr. WALSH of Montana. But let me say to my colleague that is just exactly the case with respect to every other treaty that we make with any nation. If we do not carry out the treaty, the other nation can cite us before the league to show cause why we did not carry it out.

Mr. MYERS. I do not know of any other tribunal, however, which assumes the power, scope, and jurisdiction to make recommendations about any and all kinds of social legislation and to be the judge of whether or not it is enacted in the spirit that was intended. This provision covers a broader scope, a wider field, and gives rise to the possibility of more misinterpretation and more trouble, I think, than the provisions of any other treaty ever entered into by any nations of the earth. It extends to any and all subjects which it may take up, which may relate in any way whatever to the cause of labor or anything incidental or appurtenant to it; and it seems to me that it offers a more potential field of trouble, of complaint, and of controversy than any other international agreement that ever was contemplated in the world. Whether or not complaint or charges would properly come within its provisions, there would be nothing to prevent meddlesome delegates from attempting to make them and thereby stir up trouble. I believe it would give rise to endless trouble. All sorts of fantastic notions might be agitated and advocated. Any nation which is a member of the league might lodge complaint against this country that it had not carried out some decree of the tribunal in the manner in which the tribunal thinks it should be carried out, and if the decision, as I understand, should be against this country it would be in the power of the other members of the tribunal to institute a boycott against this country, to punish it in various ways, to inflict damage upon its industries, upon its commerce, and upon its prosperity in divers ways. I do not know that all of those means would be invoked or would result in detriment to this country if employed, but I think they would be the source of trouble, dispute, and expense and would inject into our national life a new instrument of mischief, an element of interference by the outside world which has never existed before and which would be very detrimental. As I have said, I think that a great many conferences for purposes of mediation, conciliation, and adjustment result in a great deal more harm than good, and I believe the detrimental results of this part of the treaty, if ratified, would surpass those of all other treaty provisions of which we have any record or which are now contemplated or any conference in which we might engage.

Mr. HENDERSON. Mr. President, the objections to Part XIII, the labor part of the treaty with Germany, seem to be based on a fundamental misconception both as to the object and the effect of its provisions. I shall not attempt to enter into a general discussion of its specific provisions, as time will not permit, but shall briefly relate the circumstances in which the conception of the labor organization arose.

Mr. President, the idea of an international organization for the discussion of labor problems is by no means a new one. The need for such an organization was recognized long before the war. The severe competition which existed in the industrial field made it difficult for one nation to adopt improvements in labor conditions which might increase the cost of production if its rival held back, thereby preventing progress. The United States, Great Britain, France, and other advanced nations in labor thought and action were working by experiment, research, and along other lines for the improvement of labor conditions. These activities were directed toward perfecting safety devices, recreation, preventing industrial disease, and in other ways, but they were working independently. Cooperation and coordination only existed to a small extent. The work which was being done in one country was only imperfectly known in others, though some attempt had been made by the interchange of official publications to diffuse knowledge on the subject. Some small progress toward international action in industrial matters had already been made: (1) By negotiations between States, for example, the agreement between France and England in regard to the compensation of workmen for accidents under their compensation laws; (2) by the agreements made at Berne in 1906 at a conference convened by the Swiss Government in regard to the prohibition of the employment of women at night and the prohibition of the use of yellow phosphorus (the cause of a dangerous industrial disease) in the manufacture of matches. Further agreements of a similar kind were under consideration when the war broke out.

The war produced great changes in the labor situation. Labor had shared to the full the sufferings of the war, and also the burden of carrying it through, both in the field abroad and in the workshops at home, and in all countries demands were being made by labor not only for the prevention of war in the future but for the insertion of provisions in the treaty of peace which would bring about a reconstruction of social conditions and give labor a new status and a new hope. Public opinion in all the countries recognized the great contribution which labor had made toward the successful issue of the war; and there was, I think, a widespread desire that, if possible, there should be no return after the war to the worst social evils of the past. The unrest among labor was a very serious fact which had to be taken account of and dealt with. The task before the allied and associated Governments in Paris was to meet the desire of labor for a new status and new conditions by methods of evolution.

It was out of the conditions above mentioned that the conception of an international labor organization arose. Labor in England, France, and other countries was asking for the inclusion in the treaty of peace of the "labor program" which had been drawn up before the close of the war and for the participation of labor in the peace negotiations. This course, for obvious reasons, was impossible. The rejection of this proposal by the peace conference was a proof of their desire not to encroach on national rights or offend national susceptibilities; but it was possible to devise an organization which would deal, progressively and with full knowledge of all the circumstances and conditions, with proposals for the improvement of labor conditions. This was the task intrusted to the labor commission of the peace conference which was presided over by Mr. Gompers, and its recommendations were adopted unanimously by the allied and associated powers at Paris. These recommendations were framed after the representatives of labor in the United States, England, France, Belgium, and some of the other countries had been consulted, and representatives of labor were included on the commission.

Mr. President, the following countries were represented on this commission. The United States of America, the British Empire, France, Italy, Japan, Belgium, Cuba, Poland, and the Czecho-Slovak Republic.

The American delegates were Mr. Samuel Gompers and Mr. E. N. Hurley, and the substitutes Mr. H. M. Robinson and Dr. J. T. Shotwell, professor at Columbia University.

The leading ideas in the scheme proposed by the commission and embodied in the peace treaty are (1) cooperation between the nations in the progressive improvement of labor conditions; (2) the summoning of a labor conference, in which all the parties interested—Governments, employers, and workers—should be represented and should discuss freely and independ-

ently the ways in which that improvement could be secured. The method adopted is the method of agreement, not compulsion; of free discussion and negotiation, in which labor equally with the other interests is given full opportunities of making its views known and getting its claims considered. In other words, it is an application to the industrial sphere of the free representative institutions for which the United States and Great Britain have long stood in the political sphere. No alternative scheme was submitted either to the commission or to the peace conference itself, except the impossible proposals of the extreme labor section, which asked for a labor parliament on which labor was to have half of the total representation, and the decisions of which were to be binding on all Governments.

Mr. President, the rejection of this plan would be to weaken the moderate and responsible elements in labor who desire an orderly evolution and to strengthen the hands of the Bolshevik element, who are trying to persuade the working masses that improvement can only come by upheaval. The Bolshevik element have no love for the plan and would gladly see it defeated.

It is suggested that some of its provisions violate the United States Constitution. I am informed that its application to the United States and other States with a Federal constitution was carefully considered at Paris, with the help of the legal experts of the United States delegation, and that the provisions of article 405 were modified for the express purpose of adapting them to our Constitution. By those provisions it was intended that international conventions in regard to any labor matters which fall within the jurisdiction of the State governments, and not the Federal Government, would require the sanction of the State governments before they could become operative.

In that connection, I desire to read a paragraph from the report of the commission:

The American delegation, however, found themselves unable to accept the obligations implied in the British draft on account of the limitations imposed on the central executive and legislative powers by the constitutions of certain Federal States, and notably of the United States themselves. They pointed out that the Federal Government could not accept the obligation to ratify conventions dealing with matters within the competence of the 48 States of the Union, with which the power of labor legislation for the most part rested. Further, the Federal Government could not guarantee that the constituent States, even if they passed the necessary legislation to give effect to a convention, would put it into effective operation, nor could it provide against the possibility of such legislation being declared unconstitutional by the supreme judicial authorities. The Government could not therefore engage to do something which was not within their power to perform and the nonperformance of which would render them liable to complaint.

Mr. President, I ask unanimous consent to have the following two paragraphs of this report printed as part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

The commission felt that they were here faced by a serious dilemma, which threatened to make the establishment of any real system of international labor legislation impossible. On the one hand, its range and effectiveness would be almost fatally limited if a country of such industrial importance as the United States did not participate; on the other hand, if the scheme were so weakened as to impose no obligation on States to give effect to, or even to bring before their legislative authorities, the decisions of the labor conference, it was clear that its work would tend to be confined to the mere passage of resolutions instead of resulting in the promotion of social reforms with the sanction of law behind them.

The commission spent a considerable amount of time in attempting to devise a way out of this dilemma, and is glad to be able to record that it ultimately succeeded in doing so. Article 19 (same as article 405 of the treaty) as now drafted represents a solution found by a subcommission consisting of representatives of the American, British, and Belgian delegations specially appointed to consider the question. It provides that the decisions of the labor conference may take the form either of recommendations or of draft conventions. Either must be deposited with the secretary general of the league of nations, and each State undertakes to bring it within one year before its competent authorities for the enactment of legislation or other action. If no legislation or other action to make a recommendation effective follows, or if a draft convention fails to obtain the consent of the competent authorities concerned, no further obligation will rest on the State in question. In the case of a Federal State, however, whose power to enter into convention or labor matters is subject to limitations, its Government may treat a draft convention to which such limitations apply as a recommendation only.

Mr. HENDERSON. I desire to read just one extract from the last paragraph:

The exception in the case of Federal States is of greater importance. It places the United States and States which are in a similar position under a less degree of obligation than other States in regard to draft conventions.

It is also suggested that the plan is an invasion of the domestic affairs of the United States. The answer is that the United States will have perfect freedom to accept or to reject any convention that may be submitted by the international labor conference.

Objection is made to the provisions in the treaty as to the enforcement of labor conventions. Without some guaranty of the observance of agreements the scheme must necessarily fail.

The provisions are most carefully safeguarded against vexatious and unfounded complaints and the steps which can be taken against a defaulting State are of an "economic" character only, such as the withholding of economic privileges guaranteed under the treaty—the loss which is suffered by other States through the action of a defaulting State being of an economic character. It may be noted that these economic measures would hurt the United States less than any other country in the world.

Admittedly such powers are needed mainly for the backward countries; in the advanced nations the character of the administration and the force of public opinion will be sufficient guaranties. Discrimination, however, in the treaty between States in different stages of development would not be possible. Is it incompatible with the dignity of a great power voluntarily to place itself under the obligations which it asks the more backward powers to accept? The same remark applies to the obligation to submit the credentials of its representatives to the scrutiny of the conference. The representation of labor must be a genuine one if the conference is to be accepted by labor, and the risk that some countries would send delegates who do not represent labor has to be guarded against. A great power which is above the possibility of suspicion can accept it as a formality which all must go through.

It is suggested in the speech of the Senator from Wisconsin [Mr. LA FOLLETTE] that the effect of the scheme will be to reduce the conditions of the more progressive countries to the level of the more backward. This has not been the effect of international labor agreements in the past—the Berne conventions of 1906 have had the effect of bringing the more backward States up to a higher level. This will undoubtedly be the effect in the future. No State will be asked to lower its standards. Even if a convention is adopted on some subject, such, for example, as hours of labor, which does not come up to the standard of the United States, the United States, in accepting it, would still maintain its higher standard unimpaired.

I will read from the last paragraph of section 405 of the treaty with Germany, which reads as follows:

In no case shall any member be asked or required, as a result of the adoption of any recommendation or draft convention by the conference, to lessen the protection afforded by its existing legislation to the workers concerned.

The evident purpose is to bring the more backward States to a higher level.

Further, Mr. President, the United States and other progressive countries will be able to exert a beneficial influence in the international labor organization on the more backward States. The public discussion in an international forum of proposals for the improvement of labor conditions has a powerful influence on the backward States.

Mr. President, apprehensions appear to be entertained as to the effect on the labor situation here of the introduction of the ideas and aims of European labor through the medium of the international conference. Labor, however, is now organized on an international basis—American labor is taking a leading part in these international organizations—and whether the labor part of the treaty is accepted by the United States or not, foreign influence will not be excluded. Rather, if the labor provisions are rejected, the influence of extreme sections of foreign labor will be strengthened. The international labor organization provided by the treaty (1) gives labor a constitutional means of expressing its views and exercising its proper influence in the regulation of labor conditions; (2) it helps to remove the hindrance to progress which results from international competition; (3) it promotes continual progress in the improvement of labor conditions by the stimulus which the contact of different minds, all interested in the same problems, provides; (4) it pools the experience of all nations and makes that experience available for all.

Mr. President, I can see something hopeful in these international councils. They will bring together the brightest minds of the world to solve the social questions of mankind, for in Part XIII each country at meetings of the general conference will have four delegates—two representing the Government, one representing labor, and one representing the employers. As Carlyle has well said:

This that they call the organizing of labor is, if well understood, the problem of the whole future for all who in future pretend to govern men.

Mr. PITTMAN. Mr. President, I have not had an opportunity to study this section of the treaty to the extent that I would like to have done, but I have had occasion to listen to some of the addresses upon the subject. Most of these speeches were in opposition to the provision. The Senator from Nevada [Mr. HENDERSON] has most ably championed the cause of labor under the labor section of the treaty. I think the Senator from Nevada

has very clearly described the purpose and effect of this provision, and there is nothing that I can add to what he has said except to say that it seems that the opposition to this provision has the same foundation as the opposition to the treaty as a whole and to the league of nations—that is, it is founded in selfishness, in suspicion, and in fear. It is the fear of ultra conservatism; it is the fear of some of our citizens to attempt anything progressive lest there be danger in it.

Now, let me just suggest one other thing. The excuse for a high protective tariff in this country has always been the necessity of protecting the labor of this country against cheap labor in other countries, due to low wages and improper conditions of life. There is not any question at all but what there is no power in the world that can ever bring down the standard of labor in this country. Therefore the whole tendency and purpose of this provision must be to lift the standards in other countries. If the standards are lifted in other countries, then this country will be protected by that act, and artificial means of protection, such as the high protective tariff, will be entirely unnecessary.

Mr. KING. Mr. President, it will be conceded by all that there is a broad and ever-increasing field for legitimate and proper international activity. With the growth of civilization and the progress which the world has made, particularly during the past hundred years, the interdependence of nations is recognized and the necessity of a spirit of helpfulness and cooperation between peoples and nations is desired by conservatives as well as by the most chauvinistic. This view finds expression in the last address of President McKinley, delivered September 5, 1901, wherein he said:

God and man have linked the nations together. No nation can longer be indifferent to any other. And as we are brought more and more in touch with each other the less occasion is there for misunderstandings, and the stronger disposition, when we have differences, to adjust them in the court of arbitration, which is the noblest forum for the settlement of international disputes.

But the development of a spirit of amity and fellowship among the different nations and peoples of the earth does not call for the obliteration of State boundaries or the amalgamation of the races of the world. International peace and the establishment of justice and righteousness as the rule of conduct among nations will sooner be realized if there shall continue to exist free and independent Commonwealths inhabited by virile, progressive people.

A communism of States would be as deadly as a communism of peoples. Vigorous, puissant States are necessary to civilization and liberty and to a world-wide reign of law and order and justice. Individual development precedes mass development. It is the differentiations among individuals which means the progress of the State. Uniformity does not necessarily mean progress or advancement; it is variations, diversity, breaking with the past, and striking out into new and undeveloped fields that often prove the indicia of progress and advancement. Nature seizes the slightest change, if it marks growth, and by the application of the law of natural selection develops and improves until a better organism or higher species results. With modifications the law of evolution applies in the social and political organism. The promotion of genuine world peace will be accomplished by the maintenance of vigorous States which possess high ideals and national consciousness and have zest and joy in vigorous competition and generous rivalry with neighboring States. The spirit of altruism will be strengthened and the growth of a spirit of international good will and amity will be accelerated by the extension of freedom in local and domestic concerns; so world peace and justice find security only upon the broad shoulders of free and independent States. The practical conditions of life, the vast differences which race and religion and physical conditions develop, if not compel, have been ignored by preachers and dreamers who have contended for the obliteration of States and the coalescing of all peoples.

Both philosophy and the highest forms of religious expression recognize racial aspirations and the necessity of separate and independent governments. A recognition of racial differences, of habits and modes of thought resulting from physical and geographical conditions, is a part of the learning and philosophy of the age, and the highest development of peoples morally and politically will be realized by recognizing the ethnological and geographical conditions in the world. A nation has been described as an ethnographic unity within a geographic unity. When we think of the future of humanity we remember the stirring and eloquent words of Mazzini:

You are men before you are citizens or fathers. If you do not embrace the whole human family in your love, if you do not confess your faith in its unity—consequent on the unity of God—and in the brotherhood of the peoples who are appointed to reduce that unity to fact . . . you disobey your law of life or do not comprehend the religion which will bless the future.

But applauding their fine spirit we advance humanity's cause and hasten the realization of unity and world peace by devotion to country and by an observance of the moral precepts which make for justice and righteousness.

It is true that it has been the dream of prophets and poets that a millennial day would dawn and peace and righteousness cover the earth as the waters cover the mighty deep. Some teachers have believed that human governments were unimportant and that national consciousness was a reversion to older and undesirable types. Men everywhere are seeking the truth, the establishment of law and order and justice; a finer spirit of brotherhood is being developed, and the cause of civilization is advancing. But it is unwise to ignore the practical, the real, the concrete things the past has been compelled to encounter and which the present and the future must confront. We live in the midst of natural forces and are subject to world conditions and inexorable physical laws. All should sincerely seek the reign of justice and righteousness. The advent of that period when justice and peace shall prevail in the world will be accelerated through the perfection of individuals and nations. Our service to humanity will be all the greater by devotion to family and State and Nation. Though we recognize our obligations to the world, it is obvious that those obligations can best be discharged under the moral stimulus which will be generated through a scrupulous observance of the duties which we owe to ourselves and to this Republic.

In one of the last addresses made by President Roosevelt, on Lafayette Day, September 6, 1918, he stated:

Patriotism stands in national matters as love of family does in private life. Nationalism corresponds to the love a man bears for his wife and children. Internationalism corresponds to the feeling he has for his neighbors generally. The sound nationalist is the only type of really helpful internationalism, precisely as in private relations it is the man who is most devoted to his own wife and children who is apt in the long run to be the most satisfactory neighbor . . . To substitute internationalism for nationalism means to do away with patriotism and is as vicious and as profoundly demoralizing as to put promiscuous devotion to all other persons in the place of steadfast devotion to a man's own family. Either effort means the atrophy of robust morality. The men in this country who have stood the stanchest for the performance of international duty are the men who have most keenly felt nationalism and Americanism in their blood, in their veins.

No one contends that individuals or States are absolutely independent. The truth of the statement made by that trenchant writer, C. Delisle Burns, is recognized by all who are conversant with historical development or social evolution. He states:

Present facts, then, demand the recognition of continuous and normal interdependence of States. The nature of the State is to be understood at least in part from its relations with other States, and all philosophies which even imply that the State is isolated are out of date. Indeed one may say that the modern State must be understood by this external reference.

The theory of absolute isolation, or complete and absolute and unrestricted sovereignty, leads to international anarchy. Such a view is an anachronism. It was expounded by Bernhardt and applied by the Kaiser and the military camarilla by which he was surrounded. The great tides of art and literature, the mighty streams carrying religion and science and philosophy, fructify arid wastes and produce a civilization, in part at least, common to all who come within their influence; and the mighty developments of science, as well as the softening influences of religion, have bound all peoples with chains of steel and linked nations together. International organizations and conferences and congresses likewise are powerful instrumentalities in securing cooperative efforts between nations and in promoting fraternity between diverse races and peoples. In the year 1913 more than 130 international congresses met for the discussion of questions of importance to the world. No one insists that a State in its international relations may be absolutely and arbitrarily independent. Indeed, in some internal affairs its sovereignty is necessarily limited in consequence of its relations with other powers. Even the strongest nationalists of this day would not approve of the statement of Canning if applied generally to the relations among nations when he said:

Things are getting back to a wholesome state again. Every nation for itself and God for us all. . . . The time for Arcopagus and the like of that is gone by.

He was protesting, of course, against the Holy Alliance and the sinister designs which it had of crushing out the spirit of democracy which was animating the hearts of the world, and of suppressing the revolutionary movement in Spain and forcing the Spanish-American colonies back under Spain's autocratic dominion.

Progress follows individualism, and a certain degree of particularistic evolution, as is expounded by Spencer, results from differentiation. Progress is marked by growth from homogeneity to heterogeneity, and this finds exemplification in the life of States as well as in the biological field.

Lecky attributes progress to the process of differentiation which results from the spread of education and to the expanding interest of individuals in the multitudinous affairs of human life.

It has been alleged that the nationalism of Luther broke the power of an oppressive medievalism which sought to impose an international organization upon the world.

The great poet Dante contended for a universal—or perhaps it would be more accurately expressed a unified—government, if not for the world at least for Europe, and sought the peace of the world through the intervention of such a government. But the Renaissance was a protest against an oppressive internationalism and a political and spiritual overlordship which ruled with benumbing force the peoples of Europe.

Mr. Rose, in his work entitled "Nationality in Modern History," states that Dante's *De Monarchia* "rests upon a fundamental conception that the world, being a thought of God, is designed for unity, the attainment of which is the chief end of man."

Though Grotius insisted that "all mankind, or at least the great part of it, constitutes a society of peoples for which the rule of a general law is indispensable," and insisted that "the law of nature, according to the theory of the ancient Roman jurists, should obtain among peoples," he nevertheless recognized the necessity of independent nations whose people possessed a strong national spirit and a fine and noble patriotism. While he laid the foundations of international law deep and broad and sought to terminate the international anarchy prevailing in the world, he regarded the development of the State as indispensable to progress and liberty.

Of course, the medieval concept, as Gierke so clearly develops, rested upon the Christianity of the Middle Ages, wherein it was set forth that mankind is a single and universal community owned and governed by God himself. "Mankind is one mystical body: it is one single and internally connected people or 'folk.' It is an all-embracing corporation—universitas—which constitutes that universal realm, spiritually and temporally, which may be called the universal church, or, with equal propriety, the commonwealth of the human race—*respublica generis humanis*. Therefore that it may attain its one purpose, it needs one law and one government."

The rise of Protestantism more or less fractured the crystallized views then prevailing in Europe, and certainly destroyed the idea entertained by some of a great international state superimposing its will upon people racially and ethnologically different and with no traditions or immediate interests held in common, to effect union and promote solidarity of action. Perhaps the reaction against the medieval thought developed too strongly the nationalistic spirit, and yet it must be said that with the growth of nationalism and the development of race consciousness the cause of civilization received a new impetus. There developed the political view expressed by Blackstone, of the sovereign state, and he defined sovereignty "as the supreme, irresistible, absolute, uncontrollable authority." His imperishable writings became the inspiration, in part, at least, of those who founded this Nation.

The dawn of freedom for the individual is the beginning of civilization. The State finds its prototype in the individual. A free, independent individual, within a proper sphere of activity, is essential to national as well as international progress. There must be fields for individual activity within which no other power may intrude. Notwithstanding the dependence of the individual upon others, there must be a domain free from control or intervention. This alone will permit his highest development and equip him for those interrelated and intersocial responsibilities resultant from the multiform conditions of our social organism. So it is with the State, though the oceans are narrow and nations and peoples, by the achievements of science, are brought into apposition, and notwithstanding the increasing interdependence of nations, there must ever be a domain which alone may be occupied by the State and within the sacred precincts of which other States or people must not enter. As the individual must possess his own soul and spirit and will and purpose, and as he holds within his hands his own destiny, so also does the State possess a spirit and a soul and a destiny. Its spirit may not be defiled by other States; its soul must be free to will and to execute; otherwise death and disintegration are inevitable. In our eagerness to consort with other nations and to aid in bearing the international burdens of the world, we must be careful not to destroy the national spirit or to jeopardize the national life.

Mr. President, thoughtful men and women since the dawn of civilization have earnestly sought the adoption of some plan that would prevent, if possible, the horrors of war and establish the basis of an enduring peace. At the close of sanguinary conflicts

this desire has strongly manifested itself, and serious efforts have frequently been made to bring about some international organization or some concert between nations and peoples which would make the recurrence of wars impossible; but notwithstanding the progress of civilization and the development of altruism and the enlightening spirit of Christianity all efforts have been in vain. The frightfulness of the great conflict through which the world has just passed powerfully impressed all classes in every land with the importance of devising some scheme which would be acceptable to the world and remove so far as possible the possibility of another devastating and destructive war.

President Wilson while the war was in progress challenged attention to the necessity of a concert of the democratic nations of the world and to the formation of a league of civilized nations and the establishment of a partnership among the free peoples of the world for the purpose of preventing war and maintaining the peace of the world. His views were enthusiastically received, not only among the democratic and Christian nations but in almost every part of the world. People believed the time had come for the establishment of a genuine league of nations, that such a union could be effectuated, and that in its operations the national, sovereign powers of the members of the league would not be infringed, and the domestic and internal policies would not in any manner be affected.

When the first draft of the covenant of the league of nations was submitted to the world it met with a most cordial reception. It is true it aroused criticism—some friendly and constructive, some violent and unreasoning. An instrument involving such tremendous issues of necessity aroused discussion and provoked criticism. It would have revealed a mental torpor and stupidity incompatible with a virile and progressive people if its proclamation had evinced complacent acquiescence in its provisions or at most an idle curiosity as to its terms. Numerous suggestions were made looking to correcting some obvious defects or changing some structural features.

The finished draft as it came from the peace conference showed improvement and indicated that the representatives at the peace conference had attempted to meet the constructive criticism offered by genuine friends of world peace. But with the changes made the covenant of the league still contained imperfections which, in the opinion of many, seriously marred its splendid proportions. Of course, it is beyond the finite mind to devise a form of government for individual nations or a plan for international cooperation that will be free from defects, and which in its operations will result in equal and exact justice and bring freedom and happiness to mankind. There is so much of genuine merit in the covenant of the league that, notwithstanding its defects, I believe it should be approved by the people of the United States, and that the pending treaty should be ratified by the Senate. A number of reservations have been suggested and have been approved by a majority of the Senate. Some of these reservations I regard as unnecessary because they merely emphasize what otherwise is expressed. Still other reservations, in my opinion, improve the treaty under consideration and will remove the objections of many patriotic Americans who desire to see the treaty ratified, but who entertain serious misgivings as to the future of this Republic under the league unless certain reservations become effective.

The covenant of the league, as I have stated, possesses most excellent features. It has been the policy of this Republic for more than a hundred years to settle by arbitration, so far as possible, controversies which might lead to war. Treaties in later years have been entered into between the United States and many nations which bound the signatories to arbitrate justiciable questions; indeed the policy of our Government has been to settle all international controversies without resort to war.

The covenant of the league provides machinery for arbitration and for the settlement of disputes arising between nations. The league conceives the plan of preserving peace by an international concert, and by such action as may be exercised by an alliance or league of nations, including the great powers and free States, which are willing to subscribe to the principles of peace and international righteousness.

The Senator from Pennsylvania [Mr. Knox], in an address delivered before the Pennsylvania Society of New York in December, 1909, discussed the question of international unity, or rather questions of international import, and as to which nations may unite to effectuate their settlement. He reviewed various conferences, international in character, which had been held, and then stated:

That the termination of war by the conclusion of peace, the regulation of eventual war, and the settlement of difficulties without a resort to war are matters of international concern. However important the acts of these conferences, the fact of their meeting was even more important, for it is evident that the common interest of nations is being

recognized as superior to their special interests, and that unity of action in international matters may yet control the unrestrained, unregulated, or isolated action of independent States. * * * Just as individuals and separate nations advance in the fruits of civilization and display in their conduct higher regard for honesty and justice and peace and less tolerance for wrong and oppression and cruelty, so these ideals of private national conduct are manifestly inspiring all nations in their relations with each other. As nations understand each other better and the world draws closer together in the recognition of a common humanity and conscience of common needs and purposes there is carried into the international field the insistent demand for greater unity in enforcing everywhere the principles of a high morality and, by restraints mutually implied and observed, all the human ameliorations, without which both national and international life would soon fall into anarchy and decadence.

As stated, the covenant submitted seeks to bring about a spirit of unity among the nations for the establishment of world peace. As I have indicated, it is not free from objections, and no doubt its operation will show the wisdom of making some changes. Reference has frequently been made to the condition in which the Colonies of America found themselves at the conclusion of the War of Independence. There is an analogy, but not a parallel, between those separate States and the Union which they formed, and the nations which participated in the recent conflict and the league of nations which they are seeking to form for the better security of the territorial integrity and independence of all nations and the perpetuation of peace in the world. This much may be said, however, that amendments were submitted to the Federal Constitution and adopted; and unquestionably when the league of nations actively functions there will be disclosed weaknesses and defects which will perhaps call for radical and possibly vital changes in its structure. But, as I have stated, serious as some of the defects may be, the virtues of the treaty are such as to not only justify the United States becoming a member of the league but such as to require prompt action.

The following provisions of the covenant are so important and will prove so advantageous to the world that they warrant the approval of the covenant, notwithstanding the defects found therein:

Those relating to the disarmament of nations except for the purposes of defense.

Those restricting the manufacture of munitions and implements of war.

Those relating to the settlement of international disputes by arbitration or by conference, and the obligation of the members of the league to refrain from war, and to submit for determination their disputes to arbitration or to the consideration of the organizations and tribunals prescribed in the covenant of the league.

Provision is also made for a court of international justice which shall have power to decide upon international controversies submitted to it.

Without attempting an analysis of article 10, and not desiring to interpret or construe its controversial features, the provision therein which imposes an obligation upon the members of the league to respect the territorial integrity and political independence of all other members of the league is of the highest importance and is a long step in the direction of world peace. If each nation is under solemn obligation to respect the territorial limits and the political independence of all other members of the league, the cause of world peace has been greatly advanced. If the league contained only those provisions which deal with justiciable or arbitral controversies, as well as those referred to in article 15 of the covenant, which are likely to lead to a rupture, it should commend itself to the civilized peoples of the world.

Ex-Senator Root, as I recall, declared that the arrangements for the settlement of nonjusticiable controversies were satisfactory and indeed admirable.

As I have indicated, it is believed by many that the pending treaty could be improved and the interests of the United States more effectually guarded if reservations dealing with a limited number of matters were made a part of the resolution of ratification.

It is not my purpose to discuss the reservations submitted other than the two principal ones dealing with Part XIII of the treaty. I regret that the representatives of the peace conference felt it necessary to deal with a question that is essentially national and domestic in character and has no proper place in the treaty drafted by them. Notwithstanding my sincere desire to see the treaty ratified, and notwithstanding the earnest support which I have given to the efforts made to secure its ratification, I have been unable to approve the provisions of Part XIII. They are wholly extraneous to the subject with which the representatives of the various nations were dealing. At the close of a world war they were negotiating a peace treaty, not an agreement for the control of the domestic affairs of nations.

Part XIII is incongruous and wholly irrelevant to the questions which brought the representatives of the warring nations to the peace conference. It does not strengthen the treaty, but weakens it. Moreover, it is at variance with the letter and the spirit of the treaty, and if enforced by the organization which it creates increasing irritation will be developed and serious controversies will arise which eventually may culminate in conflicts; if not between States, then between such organization and one or more States. The defeat of the Central Powers compelled the negotiation of a treaty, and the primary questions at the peace conference related to the terms to be imposed upon the defeated nations. However, both the victors and the vanquished understood that a sincere effort would be made by the peace delegates to devise some form of international organization which would permit the cooperation of nations to secure the peace of the world. The peace negotiations also demonstrated that some organization was necessary to carry out the terms of the peace treaty. Properly and logically a plan for a league of nations came into existence. In acting as an agency to enforce certain terms of the treaty the organization known as the league of nations was performing international functions, and confessedly its operations were international in character and were to be limited to efforts to preserve peace between the members of the league. It was obvious that whatever organization or instrumentality was provided through which the nations were to speak, or which was to constitute their agent for their mutual advantage, it must and should be limited in its functions and authority to international questions and concerns. The American people are not willing to erect a supernational or construct an international authority which may impinge upon national sovereignty or interfere with their domestic and internal affairs.

As I have indicated, the league of nations is to be organized for the purpose of maintaining the peace of the world, or, to speak more accurately, peace between the nations of the world. While the league has been called an international organization it is regarded by many as in reality an alliance of equal and separate national States or Governments for the purpose of the mutual protection of the territorial integrity and political independence of the members for the preservation of peace between the members of the league. The league, therefore, is a very different organization and has very different objects and principles from those which may be brought within the denomination of internationalism, which is a conscious endeavor not to protect and defend the separate nationalities within the league but to destroy and submerge the national and patriotic consciousness of the separate peoples into a common internationalism, or, more accurately, a common consciousness of world "citizenship," which shall ignore and obliterate national distinctions as well as the distinctions of language, civilization, and culture, which have characterized the national life of the great countries of the world.

The propaganda of socialism, founded upon the impossible projections of Karl Marx, has for its principal slogan, "Workers of the world, unite." This appeal is directed to all men of all countries, and is dependent directly upon the so-called extension of the working-class consciousness to the so-called workers of all countries. The theory of this propaganda is that the Governments of all civilized States are capitalistic governments and therefore opposed to the interests of the working class, and that the working class of all countries have common interests as distinct from and indeed antagonistic to the interests of the several States wherein they reside and the interests of their fellow citizens in other walks of life. The ultimate aim of the socialistic propaganda is to form working-class governments and, indeed, to amalgamate all the countries of the world into a so-called working-class government. This professed internationalism is one of the main principles of socialistic propaganda. The conferences of the European socialists, held at stated periods in different continental cities, are termed internationales.

Part XIII of the treaty of peace is an attempt to attach these internationales to the league of nations and to give the so-called socialistic working-class propaganda an international sanction and status subsidized by the league of nations and to make this internationale, otherwise international labor office, an independent agency for the procurement and enforcement of so-called labor legislation in the several countries of the world, and, furthermore, to constitute the international labor office an independent agency for the arrangement of international conventions and treaties respecting labor, and, substantially, all domestic affairs of the States, which shall give the projects of the international working-class movement the status and force of international law.

The plan is to effectually divide society and to treat the workers of the members of the league as a separate part or class and accentuate such division by compelling States to recognize

the same and to commit to an international authority the power to legislate and act for such class, utilizing the league of nations, the primary purpose of which is the preservation of the peace between nations of the world by dealing with international concerns as well as the members of the league as subordinate agencies to execute its purposes.

This whole propaganda is based upon the fallacy that the interests of so-called labor in any country are different from the general interests and economy of such country as has heretofore been comprehended within the phrase "the public welfare," or the welfare of the people, which is the main political object of the so-called capitalistic governments.

The wealth of nations and the prosperity and progress of men in the modern state of civilization depends upon the utmost liberty of production and exchange. The division of labor, upon which the modern social and economic society is based, can only accommodate the needs and requirements of the life of men by the freest exchange of labor and the products of labor between the members of the commonwealth. The only way labor may pass into commerce is by the process of natural persons advancing their services to or working for others, or bestowing their labor on such goods or materials as are advanced to others and thus pass into commerce. If labor is not thus used or employed, labor itself has no real existence, and in the place thereof we have merely idleness and inutilty of men. It has been said that there is no excellence without labor. This does not mean potential but actual labor.

Production is impossible without capital. It is capital which makes labor valuable, and this capital is not a static thing in the world. Like labor itself, it is being constantly consumed in the processes of production and must be constantly replenished in order to sustain the processes of production. Labor has indeed a most intimate connection with all the enterprises of production and exchange, and labor comprehends not only common manual labor and rough physical work, but all those services of a personal nature which pass into commerce and for which men pay or exchange a value fixed by mutual contract. The whole fabric of commerce and finance is made up of a mass of contracts which touch every active man in the world and which are being constantly settled, executed, and renewed to carry on the processes of production and exchange, upon which the life, convenience, and comfort of men directly depend. As production can not proceed without capital or rather stock, which is progressively consumed in industry, but must be progressively renewed out of new stock saved from consumption, it follows that this new stock must be obtained from those who have saved, or, rather, have saved the money which may go into the market and demand it.

Profits are the increase of production over expenditure in the processes of production and are measured in money, which is the balance of the aggregate transactions involving both profit and loss in the conduct of business.

The controversy over profits thus involved is the whole question of capital and labor. In the present practice the enterpriser pays the hire of labor and the hire of capital as wages and interest, respectively, in a certain amount ascertained and secured by a contractual obligation which must be discharged whether the business makes profits or losses. After paying the debts both of capital and labor, the enterpriser takes the residue of returns for himself. If laborers desire to unite in an enterprise and pay the hire of capital, which does not fluctuate, but is standardized around 6 per cent per annum, they may divide profits among themselves, and thus do away with the so-called wage system. There is nothing in our so-called capitalistic laws which lays any legal impediment to an arrangement of this kind.

The class consciousness of laborers as a class, apart from their fellow citizens in the body politic when they are in fact an inextricable part of the body politic, is the fallacy which lies at the base of the so-called class struggle. This is a wholly artificial conception and has only made notable headway among the most unskilled and untrained men in the ranks of labor. Men have thus been caused to think that they are fighting capital, as they call it, when they are in fact fighting their own fellow citizens and neighbors in society. It is the fallacy of the static condition of capital as a thing which is constantly holding them in subjection instead of the thing which is being constantly renewed in the processes and for the processes of business which has given this word an odious meaning to men of little understanding, whereas, when properly understood, capital and the production of capital is the most beneficent factor in the economic life of the commonwealth. The more capital there is in a country the richer is that country and all of its inhabitants.

The poor man who lives in a wealthy country is infinitely better off than the poor man who lives in a poor country, and any means for the wider distribution of capital must be found not in disturbing the capitalistic system of production but by

increasing both the facilities of production and the facilities for the more equal distribution of the products of industry in the incomes of those who contribute to the same.

The energy of men, their desire for progress, and their pride in accomplishment call them to venture their capital or stock in new enterprises. If it were not for the accumulations of the rich as well as the savings of the frugal and middle classes, as they are called, the country would lack the means of constant replenishment and expansion of capital required for the operation of business and the accommodation of the needs, wants, comforts, and progress of men. The only use which can be made and is made of the accumulations of the rich is the investment of the same in new enterprises and in replenishment of the capital of old enterprises to meet the needs, tastes, pleasures, and desires of men in the modern world.

The accumulation of wealth is not against the interests of any class of the people. Wealth itself, if not used and employed and reproduced in the processes of production, is wasted and consumed in the decays, disintegrations, and depreciations which are inevitable in the natural world. The wealth and progress of any nation depend upon the constancy and expansion of the process of production. Indeed, wealth itself is not anything but a process. It is a condition of national expansion and growth, the products of which are the stock of goods and commodities to sustain the life and support the progress and improvement of the country.

There is therefore no possibility of separating the welfare of the working class from the general welfare of the community. The promotion of class consciousness and international solidarity among the workers is directly contrary to the interests of the commonwealth and of nations both in their domestic and international relations. Strange names and doctrines from overseas will not make business grow in any country. The wealth and progress of the country is the primary object of political economy and endeavor. The solidarity of the nation itself is the proper aim of the State. The welfare of the people, the protection of the health and strength of those who labor, is a proper object of domestic policy in every nation, and the citizens of every country should look to their own government for protection of this character. The competition among nations themselves in the field of commerce is of itself a potent and constantly operating inducement for each government to husband well the strength and health of the people employed in its industrial pursuits. The Congress of the United States, under the power delegated to it by the Constitution, and the legislatures of the several States of the Union, by virtue of their inherent legislative powers, are entirely competent to take effective measures for the protection of the health and happiness of the people. Suggestions from extraneous sources are neither necessary nor permissible. Such suggestions themselves are an infraction of the dignity and sovereignty of the State. The State itself, moreover, has no proper control of the wages or prices, as these are properly and legally fixed by the stipulations of private contract. The interference with such questions by foreign emissaries would be utterly intolerable. There is no field within which the general conference or the governing body of the international labor office set up by Part XIII of the treaty of peace with Germany can operate in the United States. We do not need any enlightenment from the vagaries of European economic speculation from which we have formerly been free. We have already had too much infusion of exotic isms into the political thought of our people.

Article 19 of the league of nations provides that—

The assembly may from time to time advise the consideration by members of the league . . . of international conditions whose continuance might endanger the peace of the world.

Part XIII of the treaty setting up the international labor office seems to be founded upon the conception that there are "conditions of labor which produce unrest so great that the peace and harmony of the world are imperiled." The assembly of the league of nations is entirely competent to deal with such conditions of labor as may affect the peace of the nations. The assembly of the league of nations is a forum into which should be brought all questions affecting international peace, including those having to do with labor. The assembly should recommend legislation by the States of the league deemed to be necessary, if any extraneous organization should be permitted that privilege. There is no proper place for the international labor office in this scheme of the league of nations. Part XIII should therefore be eliminated from the treaty. It is intolerable to think of nongovernment delegates in an international conference having to do with international affairs and politics. Such an arrangement is a clear case of imperium in imperio.

The observations just submitted may be deemed irrelevant to the subject now before us, but I have not so regarded them. They were offered for the purpose of showing that labor is

not a thing apart and can not be dealt with independently of capital. The welfare of society, capital, labor, production, wealth, property, contracts—these are all involved in the internal policy of the State. They are not subjects to be committed to international organizations or agencies.

When the first draft of the covenant of the league was submitted sincere friends of a league of nations to prevent future wars insisted that the final draft should specifically reserve the domestic affairs of the members of the league from its jurisdiction or control in any manner. To meet the suggestion it was provided in article 15 of the covenant that if disputes arise between members of the league growing out of matters which they or either of them claim, under international law, are solely within the domestic jurisdiction of the States, the council shall so report, and shall make no recommendation as to its settlement. Unquestionably this provision was intended to preclude the league or any of its organizations or agencies from interfering with any domestic question. Notwithstanding this provision, there are sincere supporters of the league who feel that a reservation is required broader in its language for the protection of the members of the league against any intrusion by the league or its organizations into the internal or domestic affairs of the States. Such a reservation has already been adopted by the Senate. It reads as follows:

4. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children, and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the league of nations, or any agency thereof, or to the decision or recommendation of any other power.

No one questions but what labor and all cognate questions come within the domestic jurisdiction and police of the State. It is essentially a question domestic and internal in its nature. No State could commit the determination of its internal affairs to foreign powers or to a league of nations and long maintain its independence. There are some matters so vital, so interwoven with the very life of a State, that to relinquish control of the same to any other power would result in the destruction of the former. A nation or State would cease to exist if its internal and domestic problems were subject to the control of even a friendly power. The peace of the world, in my opinion, would not be subserved by the members of the league surrendering control of their domestic questions and internal affairs to the council of the league or to any other international organization.

The Senator from Wisconsin [Mr. LA FOLLETTE] submitted an amendment to the pending treaty which called for the elimination of Part XIII. I believe that a majority of the Members of the Senate were in favor of the amendment, but it was defeated because Senators felt that, if adopted, a textual change in the treaty would thus result, which would call for a resubmission of the treaty to Germany. From statements made by Senators I am convinced that a majority of the Members of this body profoundly regret that the provisions of Part XIII were embodied in the treaty.

The view is entertained by many that such provisions constitute a menace to members of the league and an extraneous force which will persistently be exercised against protective national barriers and the internal policies and administration of the States of the league.

The record of the Senator from Wisconsin with respect to organized labor and questions affecting labor is well known to the Senate and to the country. He is everywhere recognized as the friend of organized labor. His opposition to Part XIII of the treaty is therefore not the result of any hostility to the cause of labor. In the able speech delivered by him he pointed out in a clear and convincing way the dangers to American labor that would result if this Nation should be subject to the provisions of Part XIII.

Like many of my countrymen who examined the treaty, I was eager to discover its merits and virtues. Every predilection was in favor of a league of nations or some international organization which would, if possible, reduce or prevent the causes of war. It was therefore with keen regret that I discovered within the treaty provisions which may seriously affect our country and which are wholly irrelevant and foreign to the subject with which the treaty should deal.

My opposition to these provisions results in part from the conviction which I have that if the United States is bound by them the interest of labor and of this Republic will be profoundly affected, and to their disadvantage, and for the further reason that Part XIII creates a powerful extranational organization which in time will impair the sovereignty of the States constituting the league and wrest from them the control of undoubted domestic and internal questions.

It is quite likely, Mr. President, that many will take issue with this statement and regard my apprehensions as the result of an unfounded fear. I confess that the activities of international socialists, the battle cries of the Bolshevik emissaries in our midst and in all parts of the world, and the indubitable evidence of their world-wide plan to destroy nations and establish international communism may have unduly influenced my mind and unnecessarily aroused my fears as to the evil consequences which will result from the establishment of the organizations provided for in Part XIII and intrusting to them the powers conferred by its provisions. But it is impossible to construe the provisions of the treaty which I am now discussing apart from the propaganda which preceded the drafting of Part XIII and the forces and influences back of the movement culminating in its adoption by the Paris conference. Even the Senator from North Dakota [Mr. McCUMBER], who is one of the ablest champions of the league and the treaty, has just stated that Part XIII is not only "obnoxious" but "abhorrent" to him. He sees its dangers and is unwilling that the Republic shall pass under the yoke of international organizations which may attack our domestic system and menace our peace and prosperity.

I did not support the amendment offered by the Senator from Wisconsin, notwithstanding my serious objections to Part XIII, because I wanted, if possible, to prevent further treaty negotiations with Germany, and also because I felt that if the other signatories to the treaty desired to submit to the provisions of Part XIII, the United States could not properly interpose to prevent such action. However, I offered a reservation to be incorporated in the resolution of ratification. It reads as follows:

Resolution.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty of peace signed at Versailles on the 28th day of June, 1919, by the plenipotentiaries of the United States and the other belligerent powers, with this reservation: That

Whereas the Government of the United States takes the view that it is entirely competent through the legislative powers delegated to Congress by the Constitution, and the inherent legislative powers of the several States of the Union, to deal with all questions of domestic policy and especially with all questions concerning the status and relations of labor; and

Whereas article 19 of the convention of the league of nations, which is a part of said treaty, provides that the assembly of the league of nations may from time to time advise the consideration by members of the league of international conditions whose continuance might endanger the peace of the world, under which power the assembly of the league of nations is entirely competent to deal with such conditions of labor as may produce unrest so great as that the peace and harmony of the world are imperiled; but notwithstanding said provision said treaty of peace further provides a special international organization of labor which is extraneous to the league of nations, the powers of which are defined in Part XIII of the treaty, comprising articles 387 to 427, inclusive; and

Whereas the Government of the United States does not recognize that the intervention of such said international labor office is at all necessary for the adoption of humane conditions of labor or would promote the cause of labor within the United States, or that such intervention would in any wise be proper or permissible:

Therefore the United States of America withholds its assent to Part XIII, comprising articles 387 to 427, inclusive, of the said treaty of peace, and excepts and reserves the same from the act of ratification, and the United States of America declines to participate in any way in the said general conference, or to participate in the election of the governing body of the international labor office constituted by said articles, and declines in any way to contribute or be bound to contribute to the expenditures of said general conference or international labor office.

I did not expect that the preamble would constitute a part of the resolution if adopted, but made it a part of the reservation for the purpose of directing particular attention to the nature of the subject involved in Part XIII. Senators will perceive that the resolution challenges attention to the implications of Part XIII. The preamble declares what all patriotic Americans believe, namely, that this Government is entirely competent to deal with all questions of domestic policy including those concerning the status and relations of labor and the welfare of the people of the United States. The preamble further states that Part XIII provides a special international organization of labor which is extraneous to the league of nations, and that this Nation does not recognize the intervention of such organization for the promotion of the cause of labor, or that the intervention of such an organization would be "wise, proper, or permissible." The resolution proper, which I desire to constitute a reservation to the treaty, declares that this Republic withholds its assent to Part XIII and declines to participate in the international organizations to be created by the provisions of the treaty in question. The construction given to the cloture rule prevents amendments being offered to tendered reservations; therefore I reframed the resolution, omitting the preamble. In this form I have offered it as a substitute for the reservation submitted by the distinguished Senator from North Dakota [Mr. McCUMBER]. His reservation reads as follows:

14. The United States withholds its assent to Part XIII (articles 387 to 427, inclusive) of said treaty unless Congress, by act or joint resolution, shall hereafter make provision for representation in the organiza-

tion established by said Part XIII, and in such event the participation of the United States will be governed and conditioned by the provisions of such act or joint resolution.

The Senator from North Dakota has just stated that "the real difference" between his resolution and the substitute which I offered—

is the difference between the use of an ax and an anesthetic in performing a surgical operation. Both have exactly the same effect in reducing the patient to a state of insensibility. The difference between the two, however, is that one kills, but the other leaves open the door of hope.

Senators will observe that the reservation of the Senator from North Dakota merely withholds assent from Part XIII until Congress shall make provision for representation in the organization provided for by said Part XIII. This reservation extends a luring chain which will be tantamount to an invitation for the internationalists throughout the world to drag the United States into the superstructure provided by Part XIII. It is an invitation, indeed an encouragement, to all who seek to extend the powers and jurisdiction of the labor organizations to be created by the terms of the treaty to bring to bear upon the United States every influence and all the pressure possible to secure its adherence to Part XIII. The internationalists who seek the domination of the world will make an issue in congressional and senatorial elections in this country, and political parties will be called upon to declare in their platforms whether they will or will not by congressional legislation force upon the unwilling hands of this Nation the international labor chains which will be forged by the machinery provided by Part XIII.

The Senator from North Dakota declares that his reservation is an anesthetic. Evidently he believes that the patient, which is his reservation, does not suffer death, but will remain anesthetized until the influences to which I have referred produce an awakening. The trenchant expression of the Senator that the reservation which I have submitted has the effect of an ax seems to indicate that he regards the adoption of the latter resolution as effectually dealing with the subject and as administering a coup de grâce to the plan to place this Republic under the international organizations to be created by Part XIII. I could only wish that my resolution would be effective and end all efforts to subject the internal affairs of this Republic to the all-powerful organization which the international socialists throughout the world believe will be created when the provisions of Part XIII are effectually administered.

Part XIII deals exclusively with domestic and internal concerns. It is comprehensive and will be construed to embrace substantially all matters and questions connected with the life of the people. The organizations created by Part XIII are to deal with the following questions:

All conditions of labor involving injustice, hardship, and privation, or which produce unrest. The regulation of the hours of work, including the establishment of a maximum working day and week; the regulation of the labor supply and prevention of unemployment; the provision of an adequate living wage; the protection of the worker against sickness, disease, or injury arising out of his employment, and protection of children, young persons, and women; provisions for old age and injury; protection for the interests of workers when employed in countries other than their own; recognition of the principle of freedom of association; the organization of vocational and technical education; and other measures.

If all these subjects are dealt with by this organization there will be but a very narrow field left for the exercise of national functions and authority by the member States of the league. Under the power to regulate the labor supply, this international organization could claim jurisdiction over immigration, particularly the immigration of workers. It might determine that Japan's labor supply was too great and that of the United States inadequate, and therefore there should be a migration of Japanese laborers to the United States. Porto Rico or the Philippine Islands might be regarded as too densely populated for the welfare of the laborers residing in those islands, and efforts might then be made to convey thousands of the inhabitants of those islands to the United States to work in the fields, upon the farms, or in other industrial pursuits. This international organization which would be controlled by countries other than the United States might determine that labor was receiving too great a reward in the United States, and that in order to equalize the wages of other countries, where wages are low and the wage earners are numerous, an enormous influx of labor into the United States was necessary. In order to prevent unemployment, the international organization might follow the Bolsheviks, and require the United States and other nations to nationalize mines and factories and railroads and to engage in all forms of paternalistic enterprises which would be destructive of the

economic and political systems obtaining in various countries of the world. How would this organization prevent unemployment in India and China and in other nations of the world where the laboring man is paid but a few cents per day, and where it is difficult to obtain employment of any character? Will it assume, in order to furnish employment, the control of the industrial life of the States within the league? Will it lay its heavy hand upon the members of the league and require them, under the threat of economic boycott or isolation from other nations, to furnish employment to their respective nationals? Or will it order all national lines to be obliterated, so that labor, like a great human tide, may sweep over continents and islands without impediment or obstacle until it circles the earth?

This organization is to deal with the subject of an "adequate living wage," and the protection of the worker against sickness, disease, and so forth, and the protection of children, young persons, and women. This will involve the question of production, the relation of capital and labor, the processes of production; and the determination of these matters will involve the question of housing and sanitation, and all matters and influences that enter into the lives of the people. The protection of children and young persons, of necessity, will involve the question of education, and that is directly related to the question of taxation. Provisions for old age and injury will involve the question of insurance and pensions. The determination of this matter will call for plans for private insurance or for governmental insurance. This international organization may conclude that it is the function of the States to provide insurance and old-age pensions and indemnity for injuries sustained in occupational pursuits. Its requirements may call for the destruction of the insurance systems found in most civilized countries of the world.

I have not time to point out to what extent the activities of this organization would cover the field of domestic control of the nations who may become members of the league. But it is apparent that the assertion of the power sought to be conferred upon the international labor organizations would divest States of the control of their most important affairs and leave them stripped and naked. Time will not permit a detailed analysis of the 40 articles found in Part XIII, which are devoted to the organization, or instrumentality, or superpower, or supernational—whatever it may be called—which is created to control to a greater or less degree the internal affairs of the members of the league.

A recent article written by Mr. Edward N. Dingley appears in the November number of the *Protectionist* which deals with this part of the treaty and analyzes some of its provisions. Without reading, I shall insert a portion of the article in connection with my remarks:

In the discussion of the terms of the treaty of peace between the United States and the allied nations on the one hand and Germany on the other, comparatively little notice has been taken of what is designated as Part XIII, under the title of "Labor." Yet this portion of the treaty, occupying about 10 pages of the entire 213 comprising the voluminous document, contains provisions of vital and far-reaching importance, especially to the United States.

The underlying principle of the "labor" provisions, as of the "covenant," is internationalism. Its objects are set forth in the preamble:

The proposed "organization of labor" is planned to be an adjunct of the league of nations—a wheel within a wheel. Ratification of the treaty of peace by the United States will automatically make the United States a member of the International Labor Conference. The original members of the league of nations "shall be the members of the labor organization." Since there are to be 32 original members of the league of nations, there will be the same number of members of the international labor organization. The permanent organization "shall be (1) a general conference of representatives and (2) an international labor office controlled by a governing body." The general conference shall meet at least once a year and "shall be composed of four representatives of each of the members"; two shall be Government delegates and one shall be an employers' delegate and one an employees' delegate. Each delegate may be accompanied by not more than two advisers without votes.

Under this plan the general conference of representatives of the members will consist of 128 delegates, 64 representing the several Governments, 32 representing the employers, and 32 representing the work people. The 64 "non-Government delegates," as they are called, are to be chosen "in agreement with the industrial organizations which are most representative of employers or work people." There is no specific provision for the selection of the 64 Government delegates. Presumably they will be named by the heads of the respective Governments or by the persons representing the respective nations in the league of nations. The 64 "non-Government" delegates, if "chosen in agreement" must be agreeable to both employers and employees. No procedure is provided in case of a disagreement.

The following countries, self-governing colonies or dependencies, each will have four delegates in the general conference of representatives: United States; Belgium; Brazil; British Empire; Canada; Australia; New Zealand; South Africa; India; China; Cuba; Ecuador; France; Serb-Croat-Slovene State; Siam; Czecho-Slovakia; Uruguay; Greece; Guatemala; Haiti; Hejaz; Italy; Japan; Liberia; Nicaragua; Peru; Panama; Poland; Portugal; Roumania.

It will be observed that the British Empire, together with its four "self-governing" colonies and India, which is not self-governing, will

have 24 votes and the United States will have 4—the same number that Japan or Haiti or Hejaz or Liberia or Siam will have.

The general conference will meet at the seat of the league of nations, where an "international labor office" will be established "as a part of the organization of the league of nations."

Article 339 provides that "each of the members will [shall] pay the traveling and subsistence expenses of its delegates and their advisers and of its representatives attending the meetings of the conference." There is no method provided whereby this fund shall be raised or through what channel it shall be disbursed. However, the presumption is that each member [nation] agreeing to the treaty and thus becoming a party to that portion of the contract devoted to the international labor conference will appropriate funds to meet the expenses.

The governing body of the international labor office is to consist of 24 persons, 12 representing the Governments and 12 representing the employers and the workers—6 each. The 12 latter shall be elected by their respective groups. Of the 12 representing the Governments, 8 shall be "nominated" by the "chief industrial groups in the main conference" and 4 shall be "nominated" by the Governments' delegates. The council of the league of nations shall decide which are the groups "of chief industrial importance." Members of the governing board will hold office for three years. The governing board shall regulate its own procedure and fix its own times of meeting. There is to be a director appointed by the governing board and a staff (no number mentioned) appointed by the director.

We now have (1) a general conference of 128 delegates meeting at least once a year, (2) a governing board of 24 holding office for three years and meeting when and where it pleases, (3) a director of the international labor office with an indeterminate number on his staff. Each of the members will [shall] pay the traveling expenses of the delegates to the conference, members of the governing board, and all advisers. All other expenses of whatever nature "shall be paid to the director by the secretary general of the league of nations out of the general funds of the league."

The functions of the international labor office (controlled by the governing board) shall be the distribution of information "on all subjects relating to the international adjustment of conditions of industrial life and labor and the preparation of the 'agenda' (program) for the meetings of the conference."

The subjects for discussion and consideration by the conference "shall be determined by the governing board." Objections to any subject may be made by any of the members [Governments] but such objections may be overruled by a two-thirds vote of the delegates present in the general conference. After the conference has reached a decision upon any subject a proposal either (1) for legislation or (2) for an international convention may be recommended to the members [Governments] to give it effect. A two-thirds vote is required and "due regard to climate, conditions, and imperfect development" shall be had.

Now comes the vital part of the contract. Each member "undertakes [agrees] that it will within the period of one year at most from the closing of the session of the conference or at the earliest practical moment, and in no case later than 18 months, bring the recommendation before the authority or authorities within whose competence the matter lies for the enactment of legislation or other action." In the case of Federal States the power of which to enter into conventions on labor matters is subject to limitations, this provision of the agreement is limited to recommendations only, and "in no case shall any member be asked or required to lessen the protection afforded by its existing legislation to the workers concerned." This is good as far as it goes.

In case any member [Government] fails to comply with the recommendations of the conference, an explanation may be required by the general board. If no reply or an inadequate reply is received, the fact may be published for the information of all the members. Any member [nation] may file a complaint against any other member [nation], and the governing board, after such complaint or on its own motion, may institute a commission of inquiry. Each member [nation] agrees to nominate three persons, forming a panel from which the members of the commission of inquiry shall be drawn. The secretary general of the league of nations shall nominate from this panel the three members of the commission of inquiry. This commission shall make a report indicating among other things "the measure, if any, of an economic character against a defaulting Government which it considers to be appropriate and which it thinks other Governments would be justified in adopting." The secretary general of the league of nations shall communicate the report to each of the Governments concerned in the complaints. Each Government must decide either to accept the recommendations or refer [appeal] the complaint to a permanent court of international justice to be established. The decision of this court shall be final and the court shall "indicate the measure, if any, of an economic character which it considers to be appropriate." In the event of any member [nation] failing to carry out the recommendation, any other member [nation] may take against the defaulting member [nation] the measures of an economic character indicated in the report of the commission or the decision of the court. These provisions of the treaty are to apply to colonies, protectorates, and possessions "except where local conditions make it impossible or require modifications." All expenses of the first meeting of the labor conference in Washington and originally called for October, 1919, will be borne by the members [nations] "in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union."

How will this portion of the treaty of peace, providing for an international labor conference, affect America industrially and economically? It is clear that the machinery provided in the contract contemplates the internationalization of all matters "touching the problem of industry and employment," including unions, collective bargaining, strikes, wages, hours of labor, and all kindred subjects. A body of 128 delegates, 64 representing the Governments—presumably politically appointed—32 representing the employers and 32 representing the work people, in session at the seat of the league of nations, will have the power to consider and "recommend" what the policy of any member [nation] concerning any problem of industry and employment shall be. In this conference the United States will have 4 votes—4 out of 128.

For example, take the five most vital questions touching industry and employment—wages, unions, closed shops, strikes, and collective bargaining. For a hundred years, with a few and never-to-be-forgotten exceptions, the United States has adhered to the policy of protection. The difference between the cost of production in this country and competing countries as a rule has measured the amount of protection accorded. Wages are about 80 per cent of the cost of production, hence wages have been a matter of vital importance. The scale of wages always has been higher in this country than in any other country. Suppose the International Labor Conference controlled by the members from

China, Japan, Brazil, Portugal, New Zealand, Belgium, and perhaps France and Italy decide that the scale of wages in the United States is too low. This might be made an excuse for increasing the cost of production in the United States, thus aiding the commercial rivals of this country in international trade. Suppose the recognition of unions be made an international policy by the labor conference, what would prevent the trades-unions from controlling the industries of the world? Thus the unions of half a dozen European and Asiatic countries might control industry and employment in the United States. Suppose the conference should decide upon the closed shop and recommend it to the different members [nations]. Where would the United States then stand as an industrial nation? What would become of the American right to work unless all workers joined unions? Suppose the right to collective strikes should be recommended as an international policy. Is the United States ready to legalize collective strikes? Is it prepared to legalize collective bargaining?

True, the conference of 128 delegates sitting at the seat of the league of nations under the contract can only "recommend"; but what follows the failure of any member [nation] to carry out the recommendation? Failure on the part of a member [nation] to obey the recommendation of the conference is followed by (1) publication of the failure, (2) an inquiry by a commission selected by the secretary general of the league of nations, (3) recommendations of "an economic character" against the defaulting member [nation], (4) appeal by any member [nation] to a court of international justice, followed by a decision indicating still further penalties of an economic character. Is there any doubt but what these economic penalties ultimately will be invoked against a "defaulting" member [nation]?

There appears to be no limit to the power of the proposed International Labor Conference within the broad field of industrial and labor problems. It is conceivable that the industrial supremacy of the United States, the hours of labor, the conditions of labor, the operation and management of industries, both great and small—of railroads, mines, etc.—ultimately might be controlled by the proposed International Labor Conference of 128 members (in which the United States would have only 4 votes) engineered by a governing board of 12, all of whom may be un-American, with its headquarters in Europe, probably at Geneva. It is conceivable that ultimately the control of America's domestic industries and transportation, so far as labor is concerned, might be transferred from Washington and the several State capitals to Geneva or the seat of the league of nations. The possibilities exist and the perils are apparent.

Furthermore, if the contemplated league of nations may use the "economic boycott," the International Labor Conference, an integral part of the league, may do likewise with equal effect. What is meant by an economic boycott? Refusal to trade, a blockade, cutting off supplies of raw material, food, coal, etc. Does America wish to be controlled by a labor conference of 128 men and a governing board of 12 men sitting in Europe? Is the United States prepared to surrender its industrial and economic rights to a coterie of men all but four un-American? Is the United States willing to jeopardize its fiscal and economic policy, its industrial independence, its supremacy? It is unthinkable.

It is argued that such a thing is impossible. Yet it is possible if the treaty of peace is ratified as it is with the provisions of the International Labor Conference intact. The treaty of peace is a contract. The creation of an International Labor Conference is a part of this contract, and the signing of the contract by the representatives of the United States makes binding upon the United States all the provisions, agreements, and undertakings recited therein. They can be enforced as much as any treaty can be enforced, and the United States always has lived and always will live up to its contracts. If the United States signs "on the dotted line," there is no escape from the consequences. Even the good effects of the American protective policy may be nullified.

The leading article in the April, 1919, number of the report of the United States Department of Labor, Bureau of Labor Statistics, is entitled "Control of labor conditions by international action." The article is by Leifur Magnússon, evidently a gentleman with a foreign ancestry and alien turn of mind. In this article, vouched for by the United States Department of Labor, it is learned that the Socialist Internationale is the present organized expression of the international socialist movement. It dates back to 1864, when Karl Marx organized the International Workingmen's Association of London. Thus the International Labor Conference, incorporated in the treaty of peace, distinctly is of socialist origin. The organization was revived in 1889 and held its last meeting in Copenhagen in 1919, where 33 nations were represented. This movement was followed by the International Trades Secretariat, and since 1913 the International Secretariat has been the central executive organ of the International Federation of Labor. Nearly all the members come from European countries and represent collective policies—that is, State capitalism or socialism. As an adjunct to it the International Association for Labor Legislation was formed in Paris in 1910 for the purpose of promoting treaties touching the movement of labor, emigration, equality of treatment of nationals and aliens, and uniform labor standards.

This is the organization which took advantage of the presence of the peace conference in Paris and succeeded in having attached to the treaty what is known as the International Labor Conference section. A program of purely European and socialistic origin was grafted upon a document designed to bring peace between the allied and associated powers on one hand and Germany on the other. To say the least, the process of the grafting was novel if not revolutionary. A commission on international labor legislation, headed by Mr. Samuel Gompers and comprising delegates from Great Britain, France, Italy, Japan, and Belgium, formulated a report and submitted a program, which was adopted by the peace conference and incorporated in the treaty of peace. Like the covenant of the league of nations, the labor conference is entirely foreign to a treaty of peace with Germany, to negotiate which the conference met at Versailles.

While the program outlined is innocent on its face, the possibilities are revealed, first, in the aims and objects of the European Internationale Socialist Organization—collectivism, destruction of capitalism and the wage system, and the public ownership of industries and utilities; second, in the language used in the labor conference section of the treaty defining the functions of the general conference and the governing board to be the consideration of "all subjects relating to the international adjustment of conditions of industrial life and labor." That is sufficiently comprehensive to meet the views of any socialist or internationalist. There is no question touching the production and distribution of wealth or the policies of nations in solving their own industrial and economic problems which can escape the consideration and "recommendation" of this "International Labor Conference" in which the United States will have 4 votes out of 128, and perhaps no vote at all in the governing board of 24.

Twenty-seven nations (or separate countries), together with four self-governing British colonies and India (not a self-governing colony), will be represented in the general conference. Ten will be European, 7 Asiatic, 7 North American, 6 South American, and 2 African. The British Empire, with her colonies and India, will be represented by 24 delegates, and the 26 other countries (including the United States) will be represented by 4 delegates each. The British Empire will have only 8 less than 25 per cent of the entire membership while the United States, with more at stake, with a larger industrial population, and with far greater industries, will have 33 per cent of the entire membership. In voting power the United States will be on a par with Cuba, Guatemala, Honduras, Liberia, Nicaragua, Panama, Roumania, Haiti, Siam, Uruguay, the Croat-Slovene State, Czechoslovakia, and Hejaz.

The idea is preposterous! Think of Hejaz, Siam, Liberia, India, or even China and Japan, voting to determine what the industrial or economic policy of the United States shall be! Think what the power of Great Britain, with her colonies united on an imperial commercial and preferential tariff policy might be! Labor is a vital factor in the cost of production, and the cost of production in a large measure will control in the future commercial struggle of the world. Suppose Great Britain, France, and Italy, together with Japan, should form an anti-American commercial alliance and with their 36 votes in the international labor conference gain control and seek to force a labor program crippling the United States. With only 4 votes in the conference, what could the United States do? Nothing but submit to the consequences. Suppose the United States refused to carry out the program. An economic boycott would follow. Such possibilities are sufficient to warn patriotic Americans.

Yet it is argued that the aims of the organizations are to raise the labor standards of all other countries to the level of the American standard. Will China and Japan, or even Great Britain, France, and Italy, agree to this? By no means; for that would mean defeat of their plans for a resumption of domination in the trade of the world and the recapture of the markets of the world. In the struggle the tendency will not be to raise the low-standard countries, but to lower the high-standard countries. Water always runs down hill. No international labor conference can be sufficiently strong to embrace in its protecting scope the workmen and workwomen of the world. If American workmen and workwomen think they will improve their condition under international rather than national protection they have a serious disappointment in store for them.

Examination of the labor and industrial conditions of the 32 countries, including the colonies of Great Britain and India, faintly suggests the folly of attempting to protect labor conditions the world over by an international board and the impossibility of trying to raise and make uniform or even approximately uniform the standards of all.

Take the European countries in the proposed labor conference—even the best are low grade compared with the United States, while Greece, Poland, and Portugal are below comparison, and Roumania, the Croat-Slovene State, and Czechoslovakia are out of consideration. Take the Asiatic countries—Japan, China, Siam, India, and Hejaz are either cheap-labor countries or slave countries. Australia and New Zealand would do Great Britain's bidding. In North America Canada would follow Great Britain's lead, while the countries south to Panama are low-wage or practically peon countries. All the countries in South America are low-wage countries, mostly agricultural, and all more or less backward. Even in Brazil, one of the most advanced countries in South America, out of a population of 17,000,000 more than 80 per cent can neither read nor write. In this international hopper the tendency will be to drag down the high-grade countries, not lift up the low-grade countries. If the dreams of the international labor conference are to be realized even partially, the burden must rest on the high-grade countries. With its 4 votes, what can the United States do toward solving this tremendous problem?

It will be observed that Part XIII sets up an organization, which is to be "permanent" in character. Indeed, article 387 says: "A permanent organization is hereby established for the promotion of the objects set forth in the preamble."

The object of this organization, then, is to deal with the numerous subjects to which I have just referred and which are embraced within the preamble. This organization by the terms of the treaty is required not only to take cognizance of all these domestic questions but to act in relation to them. A power outside of the States who are members of the league is set up and required to take jurisdiction of these important internal questions and to deal with them. Who can doubt but what the international organization will more and more strive for power and authority; and, backed by international socialists and communists, it will attack in time the authority of the States to deal with their internal affairs, and seek the destruction of national lines and the union of the laboring classes, if not all other elements of society, under the control and authority of this overshadowing international power. So powerful is this organization that it is to deny representation by members—that is, nations—of the league unless the delegates sent meet the approval of the organization. The seat of this international power will be for the present in Geneva, and from its officials and from the meetings of the representatives, four only of which will be from the United States, orders will emanate, decrees will be promulgated, and statutes enacted, which will affect the labor of the United States and the internal and national affairs of this Republic.

Among the functions of this international labor office are the collection and distribution of information on all subjects relating to the international adjustment of conditions relating to industrial life and labor, and particularly the examination of subjects which will be brought before the conference to the end that international conventions may be made and that special investigations may be ordered. It will deal with international disputes. It will edit and publish a periodical paper, which may

be published in many languages, dealing with the problems of industry and employment; and it shall have "authority to do all things assigned to it by the conference." The distinguished Senator from Colorado [Mr. THOMAS] discussed article 396, to which I have just referred, and directed attention to the dangers which are involved in its provisions. He called attention to the enormous expenses that will follow from the establishment of a permanent labor bureau, the collection of information from all parts of the world relating particularly to the subjects within the jurisdiction of this international organization, and the "editing of a periodical in two or more languages to accommodate the needs and wishes of labor throughout the world." Not millions and tens of millions but hundreds of millions of dollars will probably be required to carry out the work of this organization.

Its mission is to emphasize class consciousness and to unite into one all-powerful organization, international in character, the laborers of the world. It will thus separate the people residing under the same flag and impress them with the view that this world organization with its capital and seat of power in Europe controls labor and is the beneficent and protecting power to which the laborer should go whenever he seeks the amelioration of his condition. It is manifest what a policy of this character would result in; it would divide the allegiance of the people and in time transfer from the Government under which they live their affections, their interests, and perhaps their loyalty to an alien, all-powerful world organization. If workmen feel the conditions of labor or any economic or industrial condition need reform, appeals will be made for correction not to the State and the Government under which they live but to this foreign, all-powerful Frankenstein. Even if conservative men should control this international organization and they should seek to restrain its activities within what might be called legitimate or proper bounds, in time with its world perspective and its world-wide authority they would extend its activities and magnify its operations. Ambitious men in the ranks of labor, even in this free land, are seeking to drive a wedge into society and organize labor for political power and to control the Government. Others more radical proclaim the union of workmen in all the world for the purpose of political control of all nations.

It has been estimated that this international creation provided for by Part XIII will require not thousands but tens of thousands of employees to collect information upon labor and all allied and connected subjects, publish and distribute newspapers among the hundreds of millions of laborers throughout the world, and to carry out the stupendous program of this world colossus. The members of the league will have to meet these enormous expenditures, and the people will be taxed for such purpose.

This international organization is to prepare conventions or treaties to be submitted to the various members of the league and to make recommendations for their guidance in dealing with their domestic and internal problems.

Article 408 provides that the members of the league are to make an annual report to the international labor office on measures which it has taken to give effect to the provisions of conventions to which it is a party, and these reports "shall be in such form and contain such particulars as the governing body—that is, of the international organization—may request." In other words, sovereign States are compelled to submit to an extraneous organization, an international body, in the form which it may prescribe, reports as to its conduct in dealing with conventions and recommendations prepared by such organization. If this world power makes a recommendation or if a convention has been accepted by the United States or any member of the league, upon any complaint being made to the international labor office by any "industrial association" of employers or of workers, such nation may immediately be brought to account. In other words, this international labor organization sitting at Geneva, upon complaint of some organization of laborers in Liberia or India or Japan that the United States has not carried out the recommendations or the terms of the convention submitted by the international organization and agreed to by the members of the league, may summon this Republic to make "statement on the subject as it may think fit," and if no "statement is made within a reasonable time," or if the statement submitted "is not deemed satisfactory to the governing body of the labor organization," it shall have the right to publish the defense of the United States and its reply thereto. And if Liberia or Japan or any other nation shall make a complaint to the international labor office that the United States is not observing a convention in accordance with its view, the governing body of the labor office shall have the right to communicate with our Nation and notify it to submit a statement in defense of its alleged misconduct, or if the governing body does not think it

necessary it may apply for the appointment of a commission of inquiry to consider the complaint and to report thereon.

I might also add in passing that a delegate to the conference may make complaint against a nation, so that this Republic might be made a defendant before this international organization upon the complaint of some delegate sent to the conference from a labor union of Australia or Japan, or the farthest and most backward nation of the world. The commission of inquiry would consist of persons selected from other countries and might be from Asia or Africa or the islands of the sea. This commission of inquiry has power to sit and try the United States or any other nation, and to prepare a report embodying its findings on all questions of fact relating to the issue between the parties, and containing such recommendations as it may think proper as to the steps which should be taken to meet the complaint and the time within which they should be taken. The commission is also required "to indicate in its report the measures, if any, of an economic character against a defaulting Government which it considers to be appropriate, and which it considers other Governments would be justified in adopting." If a nation against whom findings are made refuses to accept the recommendations made in the report of the commission, the matter will be referred to the permanent court of international justice and its finding upon the question "shall be final." Its decision may result in an economic boycott against the defendant nation. It matters not that the question involved is domestic or that it involves constitutional questions. A foreign tribunal decides what this Nation shall do, regardless of the constitutions of the States of the Union or the Constitution of the United States. Its decisions may be at variance with our settled policies and in opposition to the adjudications of the Supreme Court of the United States. In discussing this part of the treaty the Senator from Illinois [Mr. SHERMAN], in his speech delivered on the 11th instant, made the following statement:

The Senator from New Mexico [Mr. FALL], in discussing that question last Friday afternoon, reminded the Senator of a regulation that might be made by Congress, declared valid by the Supreme Court of the United States, and declared inapplicable, or no longer to apply to us, by the international labor conference. He then propounded the inquiry, Whom would we obey, our own Supreme Court mandate or the international labor conference?

It is provided here that the finding of the permanent court of international justice shall be final, and in its last judgment on the question it may indicate in its order the character of the economic pressure which it considers appropriate to be applied to a defaulting Government. If that were applied to us, let us examine for a moment what it would do, what would be the necessary consequence if the international court should enforce one of its orders against us for a failure to obey some finding of the international labor conference.

The Supreme Court might declare that the regulation was valid. It would be binding upon every citizen, official, and every State authority in the 48 States of the Union. It would be valid to all intents and purposes within our territorial limits. However, at some remote point in the world—Geneva or some place in Baluchistan—the international labor conference shortly afterwards holds its meeting. They find that the rule we have adopted, and which the Supreme Court has held valid in our country, is not in accordance with international justice.

The angle at which the various nations of the world view it will be expressed by two-thirds majority. If two-thirds majority have been obtained, they will enact some other and different rule for the regulation of the same subject. Child labor is a good illustration. Child labor in the British East Indies or in any part of the warmer portion of Asia would require a vastly different standard from that of the northern Temperate Zone. The development of children, the age at which they reach maturity, is somewhat a question of latitude. Therefore the rule that would be applicable in our country would be a too high age limit in the Tropics or in any of the warmer portions of central Asia. It would not apply to portions of northern Africa, any of the French possessions, Algiers, or Egypt, or of the various countries where there is an earlier maturity of childhood.

Therefore the conference may arrive at some different conclusion and impose some other international rule upon us, a different law than that we had provided for our own domestic affairs. Of course, they can not enforce it unless by war. That is a matter for us to decide to suit ourselves. But under these provisions economic retaliation is the weapon expressly provided. In the covenant of the league of nations one of the articles empowers the instruments of that league to create a permanent court of international justice. Evidently the men who framed these various articles knew what they were doing. They had a very comprehensive view of the entire mechanism, and it fits accurately one part to another.

The permanent court of international justice referred to in articles 416, 417, and 418 is the same tribunal the creation of which is provided for in the covenant of the league of nations. Their decree, therefore, binds all the appropriate measures of economic retaliation the governments would be justified in adopting against any defaulting government. Article 419 goes still further:

"In the event of any member failing to carry out within the time specified the recommendations, if any, contained in the report of the commission of inquiry, or in the decision of the permanent court of international justice, as the case may be, any other member may take against that member the measures of an economic character indicated in the report of the commission or in the decision of the court as appropriate to the case."

So it is not only the joint action of all the members taking part in the conference, but any one of them may, on its own initiative, undertake to enforce economic retaliation against us. It may make burdensome port regulations; it may put on discriminative duties; it may lay an embargo upon the principal articles we export to their market; it may take any measure that, in the discretion of its government, it sees fit to adopt, and we are helpless as against one of the members of the international conference or against all of them acting jointly against us.

If the State of Texas or Massachusetts enacted labor laws, and complaint was made to this international tribunal, and it found that such laws were in violation of some accepted recommendation or convention, and the United States were put upon trial and adjudged to be in default, an economic boycott might be proclaimed against this Government, even though the States of Massachusetts or Texas had acted within the limits of their jurisdiction or power.

If time permitted further examples could be submitted showing the extent to which Part XIII interferes with the control by the United States and the States of the Union of their purely internal and domestic affairs. The Senator from Wisconsin [Mr. LA FOLLETTE], the senior Senator from Colorado [Mr. THOMAS], the senior Senator from Missouri [Mr. REED], and the senior Senator from Illinois [Mr. SHERMAN] have submitted to the Senate able and exhaustive arguments dealing with the various provisions of Part XIII. The addresses of these eminent Senators so fully cover the subject that it is a work of supererogation for me to further discuss these provisions of the treaty.

In the consideration of the treaty by the American people attention has been directed almost exclusively to the provisions of Part I, relating to the covenant of the league. So absorbed have the people been in the overshadowing question as to whether this Nation should enter the league of nations that other important provisions of the treaty with Germany have been overlooked or ignored. Part XIII has scarcely arrested attention, and only a few individuals in our country have been attracted by its provisions. It has been my observation, however, that those who have carefully analyzed its provisions with a view to determining whether it was consistent with American ideals and the principles underlying this Government and with the interest of our social organism, and whether it was of advantage to the American people and to the Nation, have been filled with the most serious misgivings or have been firmly convinced that the creation of this international organization may endanger the peace of the world and prove a menace to this Republic.

The Senator from Wisconsin has strongly opposed Part XIII, and has pointed out in a convincing way the injury which is sure to result to American labor if the United States becomes a party to the international organization provided for in Part XIII. The standard of labor in the United States is superior to that in other lands. It is not my purpose to institute comparisons that would tend to disparage the peoples of other lands, but yet a discussion of this question compels the statement that the conditions prevailing in this Republic are so superior in character, measured by every standard, to those obtaining in other nations, that it would be unfortunate for the American workmen to be drawn into an international organization the control of which would be in the hands of European and Asiatic nations.

The purpose of this international organization will be, as indicated by the terms of Part XIII, and the declarations of the internationalists who procured its adoption as a part of the treaty, to secure uniformity of labor conditions throughout the world. It is absolutely impossible, as was so clearly demonstrated by the Senator from Wisconsin, to effectuate this plan without the reaction being unfavorable to the American workmen. It is preposterous to attempt uniformity of labor conditions with such varied climatic, physical, industrial, and racial conditions prevailing throughout the world. Labor and its interests are inseparable from capital; Persia, and Japan, and China, and other nations of the world lack capital. The conditions of labor in these countries, therefore, can not possibly be brought to the same standard as those existing in the United States or in those nations which have an abundance of capital. No international organization can deal with the labor conditions within the United States as the States and the Federal Government can deal with them. Any attempt by such an international organization or extraneous authority would disastrously affect the situation of labor in the United States. Any attempt to secure uniformity, to bring to the same level the conditions of labor throughout the world, will profoundly affect labor in all of its conditions and situations in the United States. No leveling process must be employed that may bring American labor down. If Part XIII becomes operative, we transfer to an alien organization the control of this vital internal question, and the American laborer will find the forum for redress across the seas and not within his own land and among his own people. The American laborer's interests are inseparably interwoven with the interests of the American people. Their welfare and prosperity is his concern. His interest as a part of our economic, social, and political organism is the interest of all others who live under the flag, and their interest and his interest will be best promoted if the questions provided for in Part XIII and

which are to be dealt with by an alien and foreign authority are confided where the laws and Constitution of this country provide, namely, with the States of the Union and the Government of the United States. As I have stated, in the international concerns which the treaty provides for, the United States will have but 4 representatives, Great Britain 24, and the other signatories to the league 4 each. Thus an organization will be created consisting of 132 representatives, 4 only of which are from the United States. No matter how liberal and tolerant the representatives of other nations in this international organization may be, the superior condition of the American workmen, the power and wealth of this Government, of necessity, would create some resentment, or at any rate would provoke such intense sympathies for other countries as to lead to invidious legislation, if not discriminatory policies against the United States.

It is a matter of public history that Mr. Gompers, who presided over the commission that drafted Part XIII, felt that American labor would gain no advantage from its provisions. Mr. Gompers, in his address delivered at the thirty-ninth annual convention of the American Federation of Labor at Atlantic City, June 20, 1919, referred to the contest which took place at the conference, and stated that he found himself "continually depressed, though fighting on and on until the last moment." So unsatisfactory were the provisions of Part XIII that Mr. Gompers declared that "we could not be parties to the covenant as it then stood unless some provision should be made to safeguard the rights and interests of the American wage earners."

The only measure of protection obtained by Mr. Gompers was the declaration contained in article 405, "that in no case shall any member be asked or required, as a result of the adoption of any recommendation or draft convention by the conference, to lessen the protection afforded by its existing legislation to the workers concerned."

Mr. Gompers appreciated that any effort to secure uniformity of conditions for labor throughout the world would result in the lowering of American standards, and might call for a change in existing laws enacted by States of the United States in the interest of labor. He insisted that this leveling process, by which uniformity was to be secured, should not lessen the protection afforded by existing legislation.

Mr. President, the plan involved in Part XIII of setting up an international labor superpower is not new, and its genesis is not found at the Paris conference. For years a vigorous propaganda has been carried on by internationalists and extreme socialists for the destruction of what they call capitalistic governments and the overthrow of the existing political and industrial structures throughout the world. From time to time conferences have been held by representatives from various countries and from them have gone forth zealous advocates, whose proselyting efforts carried them into almost every land. An international convention was held at Berne, in Switzerland, in February of this year, and it announced a program which, in my opinion, if carried into effect, would destroy society and all Governments of the world. Its program was conveyed to the peace conference at Paris and its demands, in part at least, find expression in Part XIII of the pending treaty. Bolsheviks, communists, socialists, and internationalists were members of the Berne conference, and the resolutions there adopted have become for the present the basis of the campaign which is being waged in all the world. Of course, their demands will become more radical; concessions granted in Part XIII of the treaty will lead to further demands and to the enlargement of the power and authority which is sought for the international organization soon to be created. These are some of the demands of the Berne conference:

The functions of the league (meaning the league of nations) shall include the establishment, development, and enforcement of an international labor charter.

Let me pause long enough to remark that this international communistic conference was dictating to the peace conference what provisions should be inserted in the peace treaty with respect to labor. The demand was made that an "international labor charter should be established and its provisions enforced."

The conference further declared:

The limits which capitalism has reached are very different in the various countries. One of the dangers here involved is that industry and labor of the more progressive countries are injured by a system of sweated labor in the more backward countries. The need to establish an international standard of labor legislation—

Another resolution urged that the socialists of the whole world should "close their ranks and not deliver the revolutionary peoples into the hands of international reaction."

Only one interpretation can be placed upon this resolution, namely, that the revolutions, industrial and social, be continued, and that the socialists fight on for the overthrow of the so-called

capitalistic system and the establishment of the internationalist form of international anarchy.

It was further declared:

The Berne conference having taken into consideration the resolutions adopted by the international trade-union conferences of Leeds and Berne, and without prejudice to any more far-reaching resolutions which may be adopted by trade-unions, demands that the following minimum requirements, which are already carried out in part in some countries, shall be converted into a code of international law by the league of nations on the conclusion of peace.

It will be observed that a demand is again made that the league of nations shall execute the scheme of the internationalists, and that their requirements shall be converted into a code of international law.

The conference then declared what should constitute a day's and a week's work, and what conditions should obtain in respect to the service rendered by labor. A portion of the code of international law, which they demand shall be enacted, relates to the following matters, as indicated by the resolutions adopted:

In all districts where there is home work, wage boards, representatives of employers and workers shall be instituted, with the duty of fixing legal rates of wages. The rates of wages shall be posted up in the work places. Immigrant workers shall enjoy the same rights as the workers of the country into which they immigrate as regards joining and taking part in the work of trade-unions, including the right to strike. Any interference with the exercise of the right of combination and association should be punished.

It is to be observed that the States and Nations are to be deprived of the power to control these questions, vital to their existence, and an international organization is to enact laws to govern labor and labor conditions and all related questions within the States which belong to the league of nations. Combinations may be formed in States, but this international tribunal will be omnipotent, and the State in the exercise of its police power may not interfere; nor may a State interfere with foreign workers, and it can not prohibit immigration, but may only restrict it temporarily where there is a period of economic depression, but even then the purpose must be to protect the foreign workers, as well as the nationals of the nation involved.

The resolutions "demand that the States shall convoke as speedily as possible an international conference, which must take effective measures against the reduction of the value of wages and assure their payment in money which has not depreciated in value." The States are also required to "insure all workers against industrial accidents, and a system of unemployment insurance shall be set up in every country."

The conference further demands that a special international code for the protection of seamen shall be established, and it "shall be prepared in collaboration with the seamen's unions."

The further demand was made that the peace treaty should contain provisions in order to further promote international labor regulations and that the signatories to the treaty should appoint a permanent commission—

consisting in equal parts of representatives of the States which are members of the league of nations and of the international trade-union federation. The commission shall prepare the ground for and convoke conferences of representatives of the contracting States, which shall be held every year to promote international labor legislation. One-half of the voting members of the conference shall consist of representatives of the organized workers of every country. The conferences shall have power to adopt binding resolutions within the scope of the powers conferred upon them.

An examination of Part XIII forces the conviction that the international Berne conference either drafted Part XIII or its influence and spirit controlled those who gave it form.

Mr. John De Kay, in his book called "The Spirit of the Internationale at Berne," discusses internationalism and the aims of the Berne conference. He boldly declares for internationalism and states:

These great bodies (labor organizations) should, without delay, create a world parliament—a world parliament standing for the interests of the masses of labor in all lands and dedicated to a protection of the general social welfare without distinction as to race, nationality, or religion. Such a world parliament should meet three or four times each year in the capitals of various nations. It should be provided from the general funds with its own public buildings and expenses; it should elect its executive board of action and confide to such a board or cabinet the powers to carry out decisions, summon the parliament in the event of a crisis, and by the decisions of such a parliament the labor and socialism of the whole world should abide, and upon its mandates they should act.

He further declares:

There is no time to be lost in the creation of this unique and only body through which exploitation and wars may be abolished. * * *

This is not the time to foster revengeful measures against one nation or another or to inflict arrogance upon vanquished men whose despair will lead to a form of social upheaval which will cross all national boundaries. This is to-day only an eventuality, but it may soon be a reality. * * *

As one who has associated with the plutocrats and who knows their arrogance and blindness and how reluctant they are to believe in anything except the omnipotence of their own powers, I feel that they will only act in any new or reasonable way under pressure of the most direct and irresistible sort. * * *

Gradually the feeling is gaining ground that the policy of negotiation is failing, and concurrently with this sentiment the ideas of constitutional action are passing from the minds of men. This is an ominous sign which he who runs may read. It bears a sinister inscription which must not be ignored.

Let there be no mistake as to what these words mean. If there is to be "no more war," it means complete disarmament for every nation. And if "all is possible" is not to be translated into universal violence, it means that those who now rule mankind through industrialism and governments must by conciliation and negotiation enable the toilers throughout the world to realize without delay their natural and legitimate demands. These are set forth with great moderation in the resolutions and speeches here published.

It will be well for the ones in whose hands the fate of mankind temporarily rests in Paris to take into full account the moderate demands of the patient men who were represented at Berne and who represent the class which is in the future to rule the world.

I commend these pages to the consideration of all who have any voice in the affairs of men, with the solemn warning that unless the message of the international at Berne is heeded without delay, there will be no escape from violence and dictatorships; and, contrary to official calculations, the violence will precede the dictatorships.

This calamity should and may still be averted on the lines I have indicated. If these are ignored, any physical force which can be employed will be no more potent than a man raising his hand to stay a hurricane, which unfortunately goes its way and carries everything before it.

These words are ominous and reveal what is back of some of the advocates of Part XIII of the treaty. It will be noted that Mr. De Kay calls the Berne demands "moderate," but they are the demands of those who "represent the class which is in the future to rule the world."

The solemn warning is further given "that unless the demands of the conference are heeded without delay, violence and dictatorship" will come to the world. That, of course, is the position of Lenin and Trotsky and the Bolsheviks—the position of Foster and Margolis and other radicals who are now affiliated with organized labor in this country and are attempting to use labor organizations for revolutionary purposes.

It fills one, who believes in law and order and in our form of government, with misgivings to turn from a perusal of the proceedings of the Berne conference to an examination of Part XIII and to the statements made by Mr. Clemenceau and others who participated in the peace conference. An exchange of notes occurred between the German delegates to the peace conference concerning international labor legislation. The German representatives in a note dated May 14 of this year, addressed to Clemenceau, complained that Part XIII did not sufficiently adhere to the plans of the Berne conference. Clemenceau, writing as president of the conference, under date of May 31, referred to the resolutions adopted by the Berne conference in February, and then added:

5. While the resolutions passed by the Berne conference, February, 1919, gave expression to the wishes of the workers and defined their aspirations for the future, the Washington conference provides the means of giving effect to such of these aspirations as can be embodied in legislation without delay, and the labor organization will give opportunities for progressive expression to others, in accordance with the guiding principles already mentioned. The labor commission, moreover, set up by the peace conference envisaged all the points mentioned in your letter as coming within the scope of the labor organization, including an international code of law for the protection of seamen, to be especially drawn up with the collaboration of the seamen's union (copy annexed).

6. It also adopted a resolution (copy annexed) in favor of the organization being given power as soon as possible to pass resolutions possessing the force of international law. International labor laws can not at present be made operative merely by resolutions passed at conferences. The workers of one country are not prepared to be bound in all matters by laws imposed on them by representatives of other countries; international conventions as provided for under the peace treaty are therefore at present more effective than international labor laws, for the infringement of which no penal sanctions can be applied.

I ought to add that the German note insisted that "the final decision in questions of labor law and labor protection belongs to the workers themselves."

The German note further states:

It was the intention of the German delegation to give occasion, even while the negotiations of peace are proceeding, to the legitimate representatives of the working people of all countries of casting their vote on this point and bringing into conformity the draft of the conditions of peace, the proposal of the German democratic government, and the resolutions of the international trade-union conference held at Berne from February 3 to February 9, 1919.

President Clemenceau, in his reply, went further and states:

It is not correct to say that the demands raised by the International Trade Union Congress at Berne are disregarded, inasmuch as the points raised in these resolutions, as well as all other relevant considerations, were discussed and carefully considered, and for the most part are embodied in the preamble of Part XIII or in the general principles which are accepted to guide the league of nations and the labor organization in the attainment of social justice.

He further states that the labor commission set up by the peace conference—

envisaged all the points mentioned in your letter as coming within the scope of the labor organization, including an international code of law for the protection of seamen, to be especially drawn up with the collaboration of the seamen's union.

This further significant and important statement is made by Clemenceau:

It (referring to the peace conference) also adopted a resolution (copy annexed) in favor of the organization (meaning the labor organization provided by Part XIII) being given power as soon as possible to pass resolutions possessing the force of international law. International labor laws can not at present be made operative merely by resolutions passed at conferences. The workers of one country are not prepared to be bound in all matters by laws imposed on them by representatives of other countries; international conventions as provided for under the peace treaty are therefore at present more effective than international labor laws, for the infringement of which no penal sanctions can be applied.

In Annex 2, accompanying the letter of Clemenceau, he states:

ANNEX 2. The commission expresses the hope that as soon as it may be possible an agreement will be arrived at between the high contracting parties with a view to endowing the international labor conference, under the auspices of the league of nations, with power to take, under conditions to be determined, resolutions possessing the force of international law.

No other conclusion is possible after reading the proceedings of the Berne conference, the correspondence between Clemenceau, speaking for the peace commissioners, and the representatives of Germany at the peace conference, and also Part XIII, but that it is the purpose to constitute the organization created by Part XIII an international force and authority for the control of the world's labor and to deprive States of the right to act in respect to vital domestic questions.

It seems incredible that the demands of the internationalists should have been acceded to and that this dangerous international superpower should have been set up. The promise has been made that this organization shall have power to enact resolutions and statutes having the force of international law. No nation possesses this power, but it is proposed to confer upon this organization, this supernatural power, this extraordinary authority that it may by its decrees and regulations and orders and edicts control the labor of the world. This scheme calls for an international organization, world wide in authority, which will project itself into all States members of the league, determine what legislation shall be enacted in regard to labor and the multitudinous relations of labor to the State, and to the activities and industries of the State.

It requires no imagination to perceive the conflicts that will inevitably ensue between the States and this international authority concerning their respective jurisdictions. The most earnest advocates of the covenant of the league have insisted—and in that view I have concurred—that it was not intended that the league of nations should interfere in the domestic affairs of the State. President Wilson, ex-President Taft, and others who have urged the ratification of the treaty, including the covenant of the league of nations, have declared in effect that there must be no invasion of the internal and domestic affairs of our Nation.

Those who are defending the provisions of Part XIII do not contend that its provisions are repealed or controlled by any other provisions in the treaty, or will be repealed by the reservation adopted by a majority of the Senate, withholding from the authority of the league domestic questions of every character. It would seem, however, that there is a conflict between Part XIII and the reservation referred to. The control of labor is a domestic matter purely. The creation of an international organization to exercise the powers contained in Part XIII, if it asserts the authority given by such article, must inevitably lead to serious and deadly conflicts between the States and the international organization.

If the workmen of the world are organized internationally and an international tribunal is set up endowed with the power which the internationalists will claim for the organization created by Part XIII, it is as certain as that night follows day that States, no matter how powerful, will in the end suffer devitalization and perhaps denationalization. The division of society into classes will become more pronounced and States and the world will soon be involved in internecine struggles, deadly and destructive, born of class hatreds and class consciousness. It is a fatal mistake to constantly emphasize that there are different classes within the State. There is no class warfare in this Republic. It is the public welfare for which this Republic was established.

There should not be a solidarity of manual workers; there must be a solidarity of all the people. Substantially all Americans are workers, and any movement which seeks to divide the people and to classify them and to provide organizations which emphasize division and promote class legislation will prove harmful and destructive of the Republic. It is unwise to foster the formation of groups in the commonwealth and to accentuate the differences between the groups and the necessity of special legislation to deal with each group. The farmer is interested

in banks, in railroads, in the manufacturing plants of the country, and in legislation which deals with every part of the industrial or political organization. The same is true of the man who works in the factory, the shop, or in the mill. The interests of the banker, the railroad president, the investor, the farmer, the employee are mutual in everything that affects the prosperity of the people and the security of the Nation. I repeat, in this Republic we are one people—we rise or fall together. Whatever promotes the interest of one is advantageous to all. The political formula of equal and exact justice to all and special privileges to none should find expression and exemplification now as never before.

In this peace treaty there is no place for Part XIII. Its provisions are wholly extraneous. It is so incongruous as to arrest the attention of even those who are mentally moribund. The representatives of the various nations convened at Paris to negotiate a treaty with the Central Powers. As a part of that treaty and to execute its terms the representatives made provision for a league or instrumentality. It was hoped that by the cooperation of the signatories the causes of war might be diminished and the peace of the world more effectually assured. In my opinion the accomplishment of this purpose, so far as it was within the legitimate scope of a league of nations, did not call for the creation of another and a different organization, such as is provided for in Part XIII of the treaty.

With as much propriety an organization could have been created for the agricultural interests of the world or any other element found within the social structure. I repeat that it is a mistake to provide machinery and instrumentalities that tend to accentuate any division of society. The effort should be to unite and not divide and to impress upon all the people the important truth that they are indissolubly linked together.

Of course, the welfare and advancement of labor is desired by all. We not only desire the welfare of labor in the United States, but the American people look with the deepest interest in the progress and prosperity of labor in all parts of the world. But I am not willing, and the American people in my opinion are not willing, to transfer to any other nation or to any extranational organization the power to control the internal and domestic affairs of this Republic. Notwithstanding the altruistic and humanitarian impulses and influences which more and more unite races and nations, and notwithstanding the spirit of mercy and charity developed by the Christian faith, under which the peoples of the world are drawn into closer union and into more perfect integration, the American people believe that they can best serve the world by preserving this Republic in all its power and vigor. They believe that, under God, it has a mission in the world, and they are unwilling that it should become denationalized or devitalized. There is a field for international service, but there is a broad field for national service. This Republic is the crowning glory of the ages. The Constitution of the United States is the highest expression of political wisdom the world has ever possessed. This Republic has carried high the standard of civilization and of liberty, and in the future it will continue to bear aloft the standard of freedom and illumine the paths of the less fortunate peoples to the world.

A wicked and sinister internationalism is firing the temples of the past and savagely seeking the destruction of the great and priceless inheritance which the struggles and sacrifices of countless ages have bequeathed to the world. The unmistakable lessons of history are ignored, and, led by wild and distempered minds, masses of people are hurling themselves against the foundations and the pillars of the protecting superstructures under which they live. A debasing and destructive internationalism is destroying Russia and poisoning other peoples and nations. Strange cries are heard throughout the land, and the false and sinister voices are heard everywhere in violent denunciation of liberty and law and national spirit and national life. Our own Republic has been invaded by these enemies of humanity. They are in our industrial centers, and their poisonous propaganda penetrate all parts of our land. Lenin and Trotsky have become the evangelists of this destructive creed, and thousands of their followers are girdling the world, seeking the overthrow of nations and society. Neither life nor property under their creed is secure, and nothing short of world revolution will satisfy the mad ambitions of these deadly enemies of humanity. Their operations in our own Republic have brought partial paralysis to our economic life and incalculable suffering to the people. The many strikes which have been called in part resulted from the preachings and wicked activities of these internationalists. They have fastened themselves upon the organizations of labor and have in a subtle and secret manner intruded themselves into our social and industrial organisms. The disclosures of the activities of these internationalists in our own land during the past few months have made clear the pur-

pose and designs of those who are seeking to undermine the national spirit and to break down national organization. Lenin has avowed over and over again his purposes and the purpose of his followers. Russia as a State is to be destroyed. The Russian people as such are to become effaced. The great Empire that stood as a mighty colossus upon the earth is to be leveled to the dust. There is to be no more Russia, no Russian spirit, no Russian consciousness, no national flag, no national spirit, or conscience, or soul. And so, too, all other nations are to be stricken down, and the peoples of the world are to be gathered into a protoplasmic, indistinguishable, unformed mass. All spiritual life is to be destroyed, all faith in an Omnipotent and Omniscient Being is to be eradicated. Humanity is to be thrust into one mould, and from it is to emerge beings without individualism or personality, without spirit or souls, but sodden, callous, materialistic forms of clay, devoid of patriotism or national spirit or the noble impulses which have promoted civilization. The picture is hideous. The realization of these wild and wicked plans would make of the world an inferno and of humanity a beastly, brutal brood, fit only for destruction and death.

The "dictatorship of the proletariat" has become a seductive phrase, and it is glibly mouthed in every corner of the world. These propagandists have attempted the overthrow of the Government of Portugal. They paralyzed the industrial and economic life of Argentina and produced a crisis that threatened the life of that splendid and progressive nation. Their poisonous efforts are directed against Italy, and they hope to plunge that great nation into revolution and anarchy. In France their agents are at work, hoping to prostrate that heroic people and bring to destruction a Republic that has suffered and endured and won eternal glory in the mighty struggle for the freedom of the world. Germany, trying to rise from the defeat which it so well deserved, was beset upon every side by these ravenous and cowardly elements. They were willing to bring additional suffering to their own country and to their own defeated and prostrate countrymen. Hungary, which was rising from the ashes of defeat and attempting to organize a government to meet the requirements of a civilized people, became the object of attack by these international anarchists. Bella Kuhn was elevated to power and a Bolshevik government, with all its violence and oppression and beastliness and bloodshed, was superimposed upon the people. It was fortunate for Hungary and for Europe that the Roumanians entered Hungary and drove these assassins and despoilers from power.

And Great Britain has been the constant object of their assaults. The Bolsheviks of Russia have spent enormous sums in propaganda for the corruption of the working classes of the British Isles. Even that sturdy and splendid Commonwealth to the north of us was invaded by these destructive agencies, and Winnipeg and other parts of Canada suffered from their revolutionary activities.

In yesterday's paper I find the following statement pointing to some of the efforts of the Russian internationalists in the recent strike which disturbed the people of Great Britain:

RAIL STRIKE SETTLEMENT DISAPPOINTS BOLSHIEVIK—RUSSIAN REDS HOPED BRITISH LABOR TROUBLE WOULD LEAD TO OPEN REVOLUTION.

[Correspondence of the Associated Press.]

LONDON, October 25.

The speedy and peaceful settlement of the British railway strike was a sore disappointment to Russian Bolsheviks. They hoped that it would develop into open revolution. That was shown by a wireless message that was transmitted from Petrograd "with compliments to the British railway men." It stated:

"We, the railway men of red Petrograd have heard the news of your general strike with joy and enthusiasm. You have broken the chains of civil peace. You have declared war on your Government. You must pass from a general strike to an armed rising. In order to improve your economic position you must first destroy the present imperialist order of things and substitute for it a government of workers and peasants. Do not allow the leaders of the old trade-union school to get at the head of the movement, as they will betray you at the last decisive moment. Victory is yours if you fight to the end.

"As to ourselves, we will fight until the whole world is covered with red flags. Down with the league of nations. Long live British soviet power."

Thousands of alien internationalists are infesting every part of our Nation. They are poisoning the minds of the people, attempting to spread discontent and to bring about a revolution. Scores of magazines and newspapers are boldly printed and circulated in which our form of government is denounced and a political revolution advocated. Direct action, force, violence, murder, spoliation, and all forms of terrorism are advocated by these enemies of law and order and of our Republic. They have penetrated the lines of union labor, and in many instances have controlled and now control branches of organized labor. Unfortunately, their wicked and deadly propaganda has influenced many workers and resulted in strikes which were groundless and which were intended to destroy the economic and po-

litical structure of our nation. These enemies of our country and of civilization do not seek amelioration of the condition of labor, but plan the overthrow of this Republic. It is they who teach internationalism, class consciousness, and who attempt to separate the so-called workingman and laborer from all other elements of society. They emphasize class distinctions, and seek to erect an impassable barrier between the workers and all other elements of our social organism.

A world organization is planned, but an organization which recognizes but one class, and which vests in the hands of labor all authority and power. It seeks the establishment of a supernational, an all-powerful omnipotent force which controls all peoples in all lands. Political institutions are to perish and national lines are to be obliterated.

Mr. REED. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Missouri?

Mr. KING. I do.

Mr. REED. The Senator used the term "establish a supernational." He means superpower, does he not?

Mr. KING. Perhaps my expression was not accurate. Of course, the power or government which the internationalists would create would not, properly speaking, be a nation. However, they would seek to endow it with some of the functions of government, some of the powers and authority of a nation. They would have this world-wide power deal with the problems and concerns which nations deal with, only they would treat all nations and peoples as one nation and one people, with this international organization controlling all. In that sense I denominated it a "supernational."

Mr. REED. I think, myself, that it would be an anarchist organization.

Mr. KING. Perhaps the Senator is right. Of course, it could not long endure, if it were permitted to be formed. It would break into pieces because of its own weakness and inherent repulsions.

Mr. President, this Nation can best serve the world if it maintains its ideals and its national spirit and form. We have been preaching of late the right of self-determination, and have urged a recognition of racial and national aspirations. It is somewhat paradoxical that with these demands apparently so universally recognized there should be projected a scheme, contained in Part XIII of the treaty, which tends to the extinguishment of national lines and the destruction of national aspirations and racial ideals. We have rejoiced in the spread of democracy. We have felt that the cause of liberty was being advanced with the birth of republics, the territorial limits of which took into account ethnographical and geographical considerations. It has been a source of pleasure to see the Canadian people developing a strong national spirit, and we have rejoiced in the spirit of independence exhibited by the great State of Australia. This Republic has sympathized, particularly since the days of Clay and Webster, with the national aspirations of Greece and of Hungary, and the peace treaty has sought to afford adequate protection to new republics formed in part out of the Central Empires, and the territorial limits of which were fixed, so far as humanly possible, with respect to the racial and ethnic conditions of the people. Notwithstanding this feature of the treaty and its evident design to recognize the national spirit and to protect the States within the league, a force is created which opposes national integrity. With an obligation provided by article 10 of the covenant to preserve and respect the territorial integrity and political independence of all members of the league, an instrumentality is to be set up and a force and spirit created which must occasion the most serious concern to all who love liberty and seek the preservation of their governments. There is nothing inconsistent in the advocacy of a strong spirit of nationalism and a concert of nations for the prevention of war.

The many admirable features in the covenant of the league providing for arbitration and conciliation, for the examination of controversies between nations, for the reduction of arms, for the punishment of nations that unsheath the sword because of lust for conquest or prompted by mad ambition to subjugate other nations, are entirely compatible with a strong national spirit and vigorous but friendly rivalry in the political, industrial, and intellectual fields occupied by the nations of the world. As stated, the terms of the treaty creating the league seem to develop nationalism and to protect nationalism and the integrity of nations, the strong as well as the small and the weak; but Part XIII destroys that which the covenant builds. There must be no international colloidal mass. This hour demands a vigorous American spirit, an indestructible national spirit, and a genuine, sincere patriotism which calls for supreme sacrifices for the country's weal.

The internationalism which inspired Part XIII is antagonistic to that national spirit, that patriotic fervor which led this Nation, as well as other nations, through the shadows and darkness of the mighty conflict. The American people have met their domestic problems with courage and success. This Republic survived a great civil war and by devotion to the principles of liberty upon which it is founded it has become the standard bearer among all the nations of the world. It has dealt with national and international questions as successfully as it has met domestic and internal problems. It will deal in the future with all domestic questions. The American people know better than other people their internal concerns and needs and can provide whatever remedies any situation may require, and deal with its domestic problems, intricate or simple, far better than any international organization that the wit of man can devise.

Mr. WADSWORTH. Mr. President, I merely have a request to make which will take but a moment.

There has just returned to the United States an exceedingly important American mission which spent something more than a month in traveling through Asia Minor, and particularly through the much-discussed Armenian country. The mission was headed by Maj. Gen. James G. Harbord, whose name is well known, of course, to the Senate and to the country; and it may be said that he was accompanied upon his trip of investigation by some exceedingly able officers selected for the purpose. My information is that the report of the so-called Harbord Commission has been made and delivered, I think, to the State Department.

I have prepared a very short resolution, reading as follows:

Resolved, That the President be, and he is hereby, requested to send to the Senate, if not incompatible with the public interest, a copy of the report on Near Eastern conditions made by the mission headed by Maj. Gen. James G. Harbord and known as the "Harbord mission."

I am sure that if it is possible for the President to send this it will prove to be of tremendous interest to the Senate, especially while it has the treaty under consideration.

I therefore ask unanimous consent for the immediate consideration of the resolution which I present.

The PRESIDENT pro tempore. Is there objection?

Mr. HITCHCOCK. There is no objection if it involves no debate.

The resolution (S. Res. 232) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the President be, and he is hereby, requested to send to the Senate, if not incompatible with the public interest, a copy of the report on Near Eastern conditions made by the mission headed by Maj. Gen. James G. Harbord and known as the "Harbord mission."

Mr. McCORMICK. Mr. President, as I sat listening to the national anthem of the Senator from Utah [Mr. KING] I felt that I had heard Saul singing among the prophets. The voice was the voice of Utah but the philosophy that of Idaho across the border. If my eyes had not undeceived me, my ears would have told me that it was not the junior Senator from Utah but the senior Senator from Idaho who was addressing the Senate upon the perils inherent in this covenant.

But, no; it was the Senator from Utah who, in contradiction of the chief proponent of this international panacea for the ills of mankind, argued, as he might have in a greater cause, with candor and directness. The reservation which he has presented has the incomparable virtue of being plain in what it purposes to do and of doing without equivocation that which it purposes. If the Senator from North Dakota [Mr. McCLURE] will permit me to say so, his reservation lacks either in efficiency or in candor.

I have risen to speak these few moments only that I might join my voice to that of the Senator from Utah [Mr. KING] and the Senator from Colorado [Mr. THOMAS] in support of a reservation which will guard not only the interests of the employer of labor in America and of labor in America but the American farmer, whose interest, more than that of any other American, is threatened by an international legislature in which he alone will not be represented, an international assembly where he alone will have no voice.

Mr. JOHNSON of California. Mr. President, I am in favor of the substitute which has been offered by the Senator from Utah [Mr. KING]. I am in favor of that substitute because it does the job. I am sick and tired of conscience-salving, peculiarly worded reservations which have been adopted here, although I do not say that of the particular reservation of which this is the substitute at all. But I am weary of the indirection, which does not do the job but soothes perturbed and fearful and timid spirits.

Mr. President, I want no international banker control in this country. I want no international labor control in this country. I want no international imperialistic control in this country.

I want to preserve the promise of American life, preserve it in its pristine purity, because of all that it has done in the past and all of its promise for the future. I want no international control of America. I want to be just American again.

Mr. STERLING. Mr. President, I sympathize very much with what has been said by the Senator from Utah [Mr. KING] in regard to the dangers of internationalism and the Industrial Workers of the World, and especially foreign industrial workers, as the source of internationalism. Of course, we can not subscribe to Part XIII as it is; and if the Senator from Utah presented the only alternative, I should support the substitute offered by him. But, Mr. President, the substitute of the Senator from Utah is drastic. It reserves Part XIII from the act of ratification, and, according to the reservation—

The United States declines to participate in any way in the said general conference or to participate in the election of the governing body of the international labor office constituted by said articles, and declines in any way to contribute or be bound to contribute to the expenditures of said general conference or international labor office.

Mr. President, the effect of the provisions of the substitute offered by the Senator from Utah is to close the doors against our participation in any international labor conference and forever to shut us out from any part in such conference.

There is another alternative, however. I do not believe that we should put ourselves in a position to be forever shut out of international labor conferences under the league of nations. And why? Because, Mr. President, it may be for the interest of American labor itself that on occasion we should participate in an international labor conference. Our counsel and advice, or the counsel and advice of our representatives at such a conference, may be of benefit not only to American labor but to labor throughout the world.

It may be doubtful, Mr. President, that such will be the case, and I grant, for the sake of the argument, that it may be. But granting that it is doubtful, we should not close the doors against the opportunity which America may have to benefit American labor and the cause of labor generally throughout the world.

The other alternative is the substitute offered by the Senator from North Dakota [Mr. McCUMBER], which leaves it to the judgment of Congress to determine whether or not we shall on any occasion participate in the deliberations of the international labor conference. I believe we can trust Congress. I believe Congress, governed by the exigencies of the situation or of the case two years hence, or four years hence, or at any time when there is to be a meeting of the international labor conference, can determine whether or not America should participate in that conference.

So while, as I said, I am in sympathy with the general propositions laid down by the Senator from Utah, and in the dread we have of international labor influences, yet I do not think we can quite afford to say that we will not participate in any international labor conference. We can not afford to say it because American labor, although we are not represented, may be affected by the deliberations of that conference, and I think we ought to have an opportunity to be there and to be heard if the case should seem to invite it or require it.

Mr. PENROSE. Mr. President, I believe that American labor, if an opportunity were afforded to look into this provision of the document, would protest against it being retained in the treaty. I have had visits from several potential heads of branches of the American Federation of Labor, and they have represented to me that they were greatly alarmed at many of the provisions in this part of the treaty, and were time afforded and opportunity permitted doubtless there would be an overwhelming protest addressed to Congress against the retention of any trace of this provision.

I think both the Senator from Utah [Mr. KING] and the Senator from North Dakota [Mr. McCUMBER] are moving in the right direction, but neither of them goes quite far enough. American labor, which is superior to all other labor in the world and better paid, fails, as far as I have discovered from having talked with their leaders, to see any advantage that can come to American labor by any such scheme as this, and I regret very much that fuller opportunity has not been given to the American Federation of Labor to investigate and have an opportunity to be heard.

A kind of a partial indorsement was given by the labor people at a convention at Atlantic City, but since then, as in the case of many other indorsements, fuller opportunity has been given to investigate and to reflect, and I know several unions in the general federation who view with great alarm the operation of this provision, and I can not take the views of the Senator from South Dakota [Mr. STERLING] as indicating or reflecting the views of American labor or as holding forth any

promise of advantage to American labor, as they view it, although he seems to view it otherwise.

Mr. LA FOLLETTE. Mr. President, a few days ago I called the attention of the Senate to the territorial plunder of the Allies other than Great Britain which we engage to defend under the terms of the pending treaty. It was my purpose to bring to the attention of the Senate at this time Great Britain's share of the spoils of war, showing her territorial acquisitions, resulting in the control of trade routes, natural resources, and the domination of the commercial and trade centers of the world.

But, Mr. President, the limitations of debate imposed by the cloture rule make it impossible for me to present to the Senate the actual distribution of territory under the treaty which we are called upon to ratify, together with the protectorates, mandates, and other arrangements effected while we have been debating the true meaning of the league covenant.

Yesterday considerable time was spent in the Senate in discussing the disposition of the German colonies, with an entire and complete disregard of the fact that since this treaty was made and submitted by the President to the Senate, the German colonies have been disposed of by mandates, which Great Britain, through her control of the council and the assembly, will be able to perpetuate.

But, Mr. President, within the time limited for discussion here, I can not go into that matter fully.

Mr. GRONNA. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. LA FOLLETTE. I yield for a question only.

Mr. GRONNA. I had hoped that the Senator from Wisconsin would go into the phase of the subject to which he has referred. I listened to him very attentively the other day and with a great deal of interest and profit. I heard what he had to say with reference to the gains of France, Italy, Greece, and Roumania, and I was in hopes that he would go into a discussion of the territorial and commercial advantages secured by Great Britain as a result of the war. Will the Senator not be kind enough to do that?

Mr. LA FOLLETTE. Mr. President, within the limits of the time permitted under the cloture rule, I can not do that in my own time. I had prepared to do that, but I must decline for the reason that in a choice between following out the distribution of territory and a discussion of the disastrous results—as I regard them—of giving to Great Britain control of the trade routes and of the natural resources of the world, I choose to limit my discussion to the latter and to omit the exposition of the very proposition which the Senator asks me now to discuss. I am compelled to do that under the cloture rule.

Mr. GRONNA. Mr. President, will the Senator yield to me to be recognized in my own time for the purpose of asking him a question that he may answer in my time?

Mr. LA FOLLETTE. If I may be recognized to continue my discussion.

The PRESIDENT pro tempore. If the Senator from Wisconsin yields the floor, the Senator from North Dakota will be recognized.

Mr. GRONNA. Am I recognized?

The PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. GRONNA. Mr. President, I think all of us are interested in knowing the facts with reference to the disposition of territory. We have heard stated in specific terms the reasons which impelled the Allies to enter this great war. In every instance, so far as I know, and I believe that I heard all the speeches delivered in this chamber, it was said by the representatives of the Allies that their entry into the war was made for one purpose only, that of freeing all the peoples of the earth from the military autocracy of Germany.

Before we finally dispose of a measure of such great importance as this treaty, I believe, sir, that we ought to know the facts, and I believe it is due the Allies that we should know what disposition has been made of the territory. The Senator from Wisconsin has just stated that he has given this very question constant study and thought, and I wish to ask the Senator to give us this information and to give it in my time.

Mr. LA FOLLETTE. If I may be permitted to do so without encroaching upon my own time, I should be glad to answer the question of the Senator from North Dakota.

The PRESIDENT pro tempore. The Chair is somewhat embarrassed by the fact that during the major part of the debate I assume the permanent occupant of the chair will preside; but for the present the Chair is of the opinion that there may be a

reasonable compliance with the suggestion of the Senator from North Dakota, and that the Senator from Wisconsin may respond to any question put to him by the Senator from North Dakota in the time of the Senator from North Dakota.

Mr. LA FOLLETTE. I am frank to say that I submitted that question to the Vice President. I desired to know whether I could lay the facts before the Senate of the United States. The Vice President said to me that if I was interrupted by a question, the answer to which I could not make within my own time, and I yielded the floor, which was taken by the Senator asking the question, then I might proceed to answer the question in his time.

The Senator from North Dakota propounds this question to me and I shall be glad to answer it in his time if the ruling of the Chair permits; otherwise not.

The PRESIDENT pro tempore. The Chair has already ruled.

Mr. LA FOLLETTE. Then I proceed in his time to answer the question.

Mr. GRONNA. I very gladly yield to the Senator to answer the question.

Mr. LA FOLLETTE. Mr. President, a few days ago I called the attention of the Senate to the territorial spoils of the Allies, other than Great Britain, which we engage to defend under the terms of the pending treaty. These territorial changes were principally upon the continent of Europe, but by this treaty our guaranties are to go beyond Europe. They are to extend to Asia, to Asia Minor, and to Africa. They are to extend into every corner of the earth where money can be made by exploiting weaker peoples and monopolizing the resources of their country.

With a view to portraying graphically the changes involved in this world settlement growing out of the war, I have caused to be prepared maps of Asia and Africa, including Asia Minor, and those are now before the Senate. The territory which formed a part of the British Empire before the war is colored red. The territory which falls to Great Britain as a result of the war is colored red with a black border.

It is at once obvious that with the exception of limited areas in Asia Minor which are divided between France and Italy and Greece, and excepting likewise the German islands in the northern Pacific, and Shantung, which go to Japan, all other territory outside of Europe which changes hands as a result of the war is acquired by Great Britain.

The Senate is urged to concur in this treaty and bind the American people by the most solemn obligation to respect and preserve the territorial integrity of Great Britain. It is my purpose therefore to present to the Senate and to the country, in so far as my limited time under the "gag" rule will permit the extent and character of Britain's share of the spoils under this treaty, the people bartered and chattered, the menacing political problems that go with them, and the far-reaching economic effect of this vast territorial transfer to Great Britain upon her ultimate control of the trade routes and the commerce of the world, to all of which we are asked not only to consent, but also to guarantee and to defend.

BRITISH SPOILS IN AFRICA.

I direct the attention of the Senate first to the map of Africa. Before the war Great Britain was the predominant power in Africa. Her colonies, exclusive of Egypt and the Sudan, comprised an area two-thirds as large as the United States, of about 2,000,000 square miles, with a population of 30,000,000 of people.

Germany was Great Britain's principal competitor in Africa. Her colonies were in the aggregate about one-half as large as the British territory and about one-third as populous. In spite of her overwhelming predominance Great Britain's position in Africa was by no means satisfactory to British imperialists. German East Africa, if Senators will note the map, separated the British colonies in the east. German Southwest Africa cut off the Union of South Africa from the Atlantic Coast. The British colonies in the west were separated by Togo and Kamerun.

The status of British control in Egypt was likewise unsatisfactory to the ambitious men who dictated the policy of the British foreign office.

Beginning with the occupation of Egypt in 1882 Gladstone, Salisbury, and succeeding prime ministers gave unqualified pledges to Egypt, to the English people, and to the world that British troops would be withdrawn as soon as order was restored, that the "territorial integrity and existing political independence" of Egypt would be respected, and that under no circumstances would a protectorate be established over the country.

That is the pledge that England made through Gladstone to the Egyptian people and to the world; and yet the majority of

the Senate yesterday voted in violation of that pledge to extend the protectorate of Great Britain over Egypt against the protest of 13,000,000 people.

Gladstone made the position of Great Britain clear on August 9, 1883, when he said:

If one pledge can be more solemn and sacred than another, special sacredness in this case binds us to withdraw the British troops from Egypt.

Gladstone's promise was many times repeated, and Egypt was recognized down to the beginning of the war as an independent country under the suzerainty of Turkey, and the British occupation was understood to be temporary.

On December 18, 1914, four months after the outbreak of the war, Great Britain suddenly deposed the Khedive, appointed and established his successor on the throne, and announced that "the suzerainty of Turkey over Egypt is terminated," and "Egypt will henceforth constitute a British protectorate."

A wave of protest swept Egypt at this announcement, but the British foreign office was prepared for the emergency. A personal letter was sent by King George—now follow this step by step—to the native government, giving assurances that Great Britain would lend aid to "overcome all influences which are seeking to destroy the independence of Egypt."

Senators, is there anything left in kingly pledges? Are they also to be treated as "scraps of paper" and is the United States Senate to indorse and ratify their violation? You did it yesterday. Will you do it when the roll call comes after this document passes into the Senate for final ratification?

But, taking King George at his word, and relying also on other assurances, Egypt submitted to the protectorate, believing it was a temporary war measure. And, Mr. President, why should they not have believed it? They had the word of all the prime ministers from Gladstone down, and now came the royal pledge of George V, the present imperial head of the British Government.

Trusting that pledge, Egypt, during the four years of war, enlisted more than 1,000,000 men to fight in the British Army for the allied cause.

President Wilson's announcement of America's war aims in 1918 gave further assurance to the Egyptians, who saw in the acceptance by the Allies of the principle of self-determination, the restoration of Egypt's independence.

Mr. President, I shall not review here the sordid story of Egypt's betrayal at the peace conference.

How four men chosen by the Egyptian people to represent them at Paris were seized by the British authorities without warning, deported to Malta, and held in a military prison; how more than 1,000 unarmed natives were brutally shot down and killed by British machine guns on the streets of Alexandria and Cairo; how President Wilson refused to give the Egyptian envoys a hearing after they finally reached Paris, are facts too well known to all of us to require recital.

It is enough to say that the treaty of Versailles recognizes a permanent British protectorate over this unfortunate country. It makes Egypt, with her 13,000,000 inhabitants, all of one race, speaking the same language, and occupying 350,000 square miles of fertile territory, as much a part of the British Empire as India or her colonies in Africa. It gives to Great Britain, in addition, the immense area known as the Anglo-Egyptian Sudan, which is one-third as large as the United States. She acquires this domain, Mr. President, against the will of every one of its inhabitants, in violation of British pledges to Egypt and to the world, and in wanton disregard of the 14 points sponsored by the United States and specifically accepted and agreed to by Great Britain.

Mr. FRANCE (to Mr. LA FOLLETTE). Does the Senator desire that I shall ask for a quorum?

Mr. LA FOLLETTE. No; I prefer not to interrupt my discussion. I merely want time. I am not speaking to the Senate; I am speaking to the country.

Mr. HARRISON. Mr. President, may I ask the Senator a question?

Mr. LA FOLLETTE. Yes.

Mr. HARRISON. Is the Senator still answering the Senator from North Dakota?

Mr. LA FOLLETTE. I am.

Mr. HARRISON. And in the time of the Senator from North Dakota?

Mr. LA FOLLETTE. I am; yes.

Mr. HARRISON. Mr. President, I make the point of order that that is not permissible under the cloture rule that was adopted.

Mr. LA FOLLETTE. If that question is to be raised, this is the time to raise it.

Mr. HARRISON. I understand the Senator prefers that it be raised now rather than to let him utilize an hour's time of the Senator from North Dakota?

Mr. LA FOLLETTE. It is better to have it settled now.

Mr. HARRISON. The reason I raise the point, Mr. President, is that under the rule each Senator is allowed not more than one hour of time for discussion. The Senator from Wisconsin is now utilizing a part of the time of the Senator from North Dakota. He might utilize in that way the hour of time allowed to the Senator from North Dakota, and then his own hour in addition, which would give him two hours, and if he

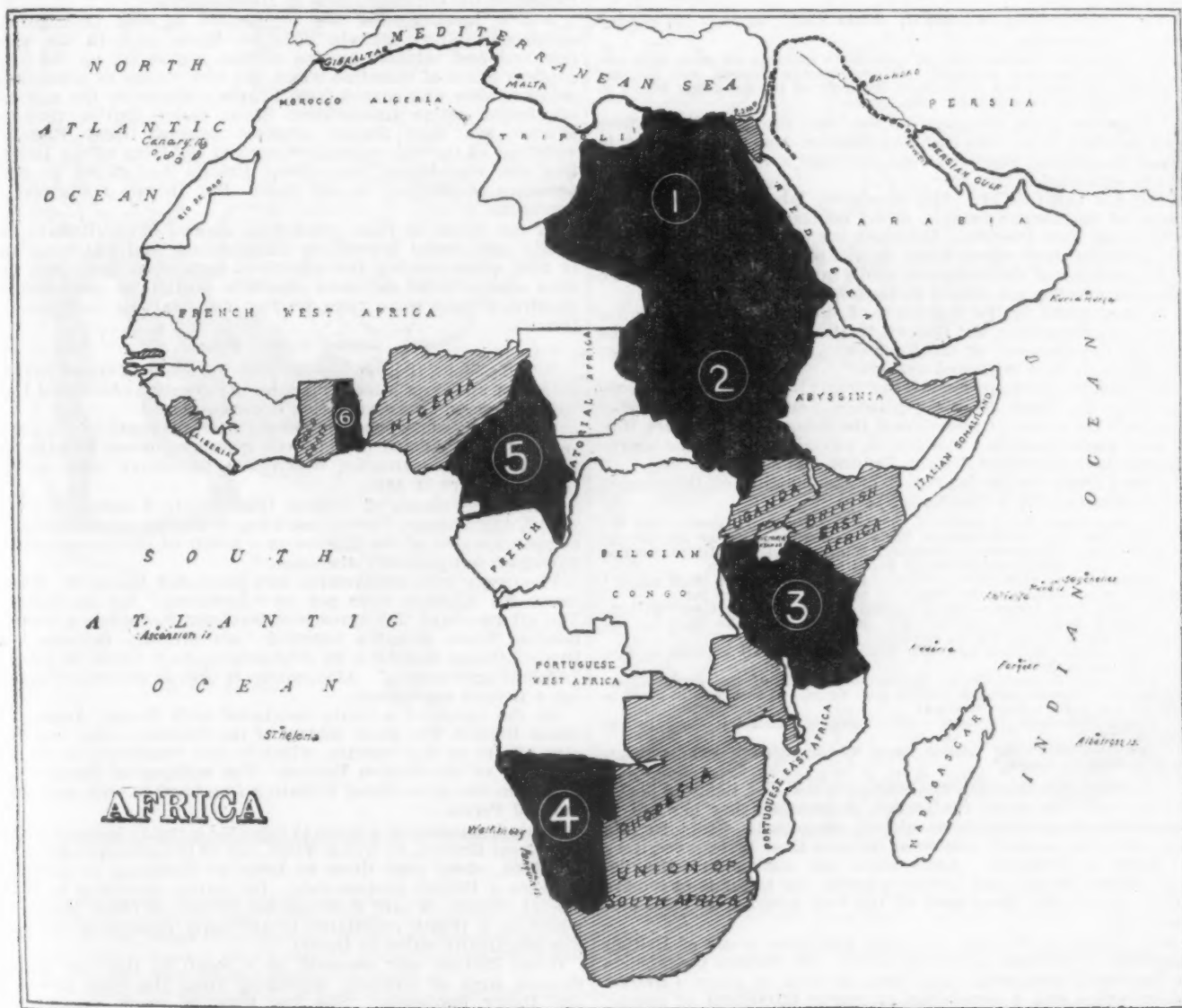
could make arrangement with some other Senator he might occupy additional time.

Mr. JONES of Washington. I rise to a point of order. Under the rule the point of order is not debatable.

Mr. LA FOLLETTE. I hope this is not coming out of my time. Mr. JONES of Washington. The point of order is not debatable.

Mr. HARRISON. I am stating the point of order, which, I think, under the rules, I am allowed to do.

Mr. JONES of Washington. The Senator has already stated his point of order and is now arguing it.



BRITISH TERRITORY IN AFRICA.

Shaded portion—Territory held by Great Britain before the war. Solid black portion—Territory acquired by Great Britain as a result of the war.

① Egypt—Protectorate declared December 18, 1914. ② Sudan—Former dependency of Egypt. ③ German East Africa—Mandate under Great Britain. ④ German Southwest Africa—Mandate under Great Britain. ⑤ Kamerun, and ⑥ Togo—Mandates under Great Britain, with minor cessions to France.

NOTE: Great Britain now has a strip of territory stretching from Cairo to Cape Horn.

All areas represented by solid black are occupied at the present time by British troops and are being administered as parts of the Empire. The Bagdad Railway (see map), connecting the Suez Canal with the Persian Gulf, is held by Great Britain.

Mr. HARRISON. I ask for a ruling. I make the point of order that a Senator can not utilize the time of another Senator in answering in this way.

Mr. LA FOLLETTE. I am answering a question of another Senator which he states he is willing shall be answered in his time. That is the real proposition, is it not?

Mr. HARRISON. That is it; but it is apparent to the whole Senate—

Mr. LA FOLLETTE. Yes, I am not disguising anything here.

Mr. HARRISON. That the Senator is reading from a type-written manuscript.

Mr. GRONNA. I rise to a question of order.

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). The Senator will state it.

Mr. GRONNA. The Senator from Mississippi, of course, has a perfect right to make the point of order, but he has no right to argue it.

The PRESIDING OFFICER (Mr. SUTHERLAND being in the chair). The Chair will state to the Senator from Mississippi that the preceding occupant of the chair declined to pass on the point, preferring to let the Vice President himself do so, as the Senator from Wisconsin had stated

that he had a ruling from the Vice President upon the subject. The Vice President now being out of the chair, the present occupant of the chair, if it is proper for him to make a ruling, will proceed to do so. The Chair would like to ask the Senator from Wisconsin at what time the Vice President ruled upon this question?

Mr. LA FOLLETTE. I did not state that the Vice President had ruled upon it. I talked with the Vice President in his place in order to ascertain whether, if interrupted, as I have been interrupted, it would be permissible under the cloture rule to discuss the matter in the time of a Senator interrupting me and questioning me.

The PRESIDING OFFICER. Rule XXII, on page 26, is very clear. It provides:

Thereafter no Senator shall be entitled to speak in all more than one hour on the pending measure, the amendments thereto, and motions affecting the same, and it shall be the duty of the presiding officer to keep the time of each Senator who speaks.

Under the plain language of the rule, the Presiding Officer will be obliged to rule that the Senator has not the right to speak in another Senator's time and that a Senator's time can not be extended in that way.

Mr. LA FOLLETTE. Mr. President, I bow to this enforcement of the cloture rule, in direct contradiction of the ruling which the Vice President informed me that he would make if the question were raised while he was presiding.

The balance of the territorial spoils in Africa, consisting of the German colonies, are also to go to Great Britain.

It is asserted by the defenders of this treaty that there are to be no annexations, but that all territories formerly under the rule of the Germans or the Turks are to be distributed under mandates to the "advanced nations."

But before Germany signed the treaty on June 28, 1919, renouncing in favor of the "principal allied and associated powers" her overseas possessions, the council of three met May 6, and distributed her colonies in accordance with the secret treaties between Great Britain, France, and Japan.

I read from the official report of the meeting of the council (published Oct. 18 in *The Nation*):

The disposition to be made of the former German colonies was decided at the peace conference in Paris on May 6, 1919, by the council of three—Mr. Clemenceau, President Wilson, and Mr. Lloyd George.

The official statement in detail is as follows:

- "Togoland and Cameroon.—France and Great Britain shall make a joint recommendation to the league of nations as to their fate.
- "German East Africa.—The mandate shall be held by Great Britain.
- "German Southwest Africa.—The mandate shall be held by the Union of South Africa (Great Britain).
- "The German Samoan Islands.—The mandate shall be held by New Zealand (Great Britain).
- "The other German Pacific possessions south of the Equator, excluding the German Samoan Islands and Nauru.—The mandate shall be held by Australia (Great Britain).
- "Nauru (Pleasant Islands).—The mandate shall be given to the British Empire.
- "The German Pacific Islands north of the Equator.—The mandate shall be held by Japan."

Following this partition of Germany's colonies, Belgium filed a protest with the peace conference, demanding that her aid in conquering these districts should be recognized. Great Britain has since made a small cession of German East African territory in favor of Belgium. Agreements are known to exist between Great Britain and France whereby the latter is to receive only a small slice from each of the two colonies of Togo and Kamerun.

As a result of the war, the most ambitious plans of British imperialists are made secure in Africa. The British possessions on the "dark continent" now have an area of about 4,400,000 square miles and a population of nearly 60,000,000 of people. This area is about the size of Canada and Mexico combined and is capable of supporting as large a population as our own country.

Great Britain now has a continuous stretch of territory, linking the extremities of the continent, and the imperialist dream of a British railroad from the "Cape to Cairo" is realized as a result of this war, waged to protect the rights of the weak against the strong.

This is the vast Empire, Mr. President, which the United States is about to pledge her aid in maintaining on the continent of Africa, for the benefit of Great Britain.

BRITISH SPOILS IN TURKEY.

The dismemberment of the Ottoman Empire constitutes one of the most lurid chapters in the history of secret diplomacy and international double-dealing, and it is but fair to say that in this drama English diplomats have played the leading rôle.

The partition of Turkey has followed the lines originally laid down in the secret treaties.

By the Treaty of London, Italy was bribed to desert her allies and join the Entente by the promise of Adalia, on the Mediter-

anean. Greece was promised Trebizond, on the Black Sea, and Smyrna, one of the chief harbors on the Mediterranean. Russia was to be given Constantinople and Armenia as her share of the spoils and the balance of the territory, after 20,000,000 Turks had been limited to the district of Anatolia, with an area about the size of the State of Nebraska, was to be divided between France and Great Britain.

Following the Russian revolution, Great Britain and France negotiated a new treaty, the secret Sykes-Picot agreement of 1916. By its terms Great Britain recognized France's claims to the Syrian coast while Great Britain was to take over the richest of the Ottoman lands in Mesopotamia.

A few months after the negotiation of this underground agreement, Great Britain occupied Syria and, in the most populous and valuable portion of that region, set up the independent State of Palestine which she now claims as a mandate. Another slice was carved from France's sphere by the creation of Hedjaz as an independent State, under British tutelage. France has filed formal protests against Great Britain's violation of the Sykes-Picot treaty and the King of the Hedjaz has also complained that Great Britain has failed to keep promises of territory to his State. But Britain holds fast to her spoils.

In the midst of these conflicting claims, Great Britain has firmly established herself in Mesopotamia and Palestine and is now administering the affairs of both countries. She has thus appropriated the most desirable portion of the Ottoman Empire, at the same time setting her rivals at each other's throats.

BRITISH SPOILS IN ASIA.

Mr. President, if it be thought that the spoils of Great Britain in Africa and Asia Minor, satiated the greedy ambition of English diplomats, that assumption is erroneous.

While the Senate has been debating the fragment of the peace settlement, submitted to it by the President, Great Britain has negotiated three treaties which add important links to the British Empire in Asia.

During the month of August, 1919, within a period of a few weeks, Afghanistan, Persia, and Tibet were reduced substantially to protectorates of the Empire as a result of agreements which have been but partially disclosed.

The treaty with Afghanistan was concluded August 8. By its terms the Afghans were put on "probation" for six months. The aftermath of this agreement was seen November 4, when a London Times dispatch reported "six infantry brigades" of British troops marching on Afghanistan as a result of alleged "Afghan aggressions." Afghanistan is thus in process of becoming a British dependency.

By the terms of a treaty concluded with Persia, August 15, Great Britain was given control of the finances, army, and foreign affairs of that country, which is now completely under the influence of the British Empire. The collapse of Russian imperialism has given Great Britain a free hand in both Afghanistan and Persia.

News dispatches of August 18 reported a treaty between China and Great Britain, by which Tibet, one of the principal divisions of China, about nine times as large as Shantung or England, becomes a British protectorate. Its status, according to semi-official advices, is said to be similar to that of Outer Mongolia, which by a treaty negotiated in the early months of the war, was practically ceded to Russia.

Great Britain now controls, as a result of the war, a continuous strip of territory stretching from the Suez Canal to the Malay Peninsula. She has filled in every gap in her empire in Asia. Palestine, Mesopotamia, Persia, Afghanistan, India, Tibet, and the Straits Settlements are the links in a chain of British-controlled States which cover the southern third of Asia.

In China, Great Britain holds, in addition to Tibet, exploiting privileges along the valley of the Yangtze-Kiang River, and controls the port of this great waterway, Shanghai, a city of 1,000,000 population. When Germany seized Kiaochow in Shantung, Great Britain seized Wei-hai-Wei, and she still holds that port, threatening Japan's position in Shantung. Great Britain likewise controls Hongkong.

Mr. President, to sum up British territorial gains from the war: Great Britain has added to her Empire, either by annexation or by protectorates and mandates, a territory of 3,972,000 square miles—larger than continental Europe—with a population of more than 51,725,000 people, 99 per cent of whom are natives.

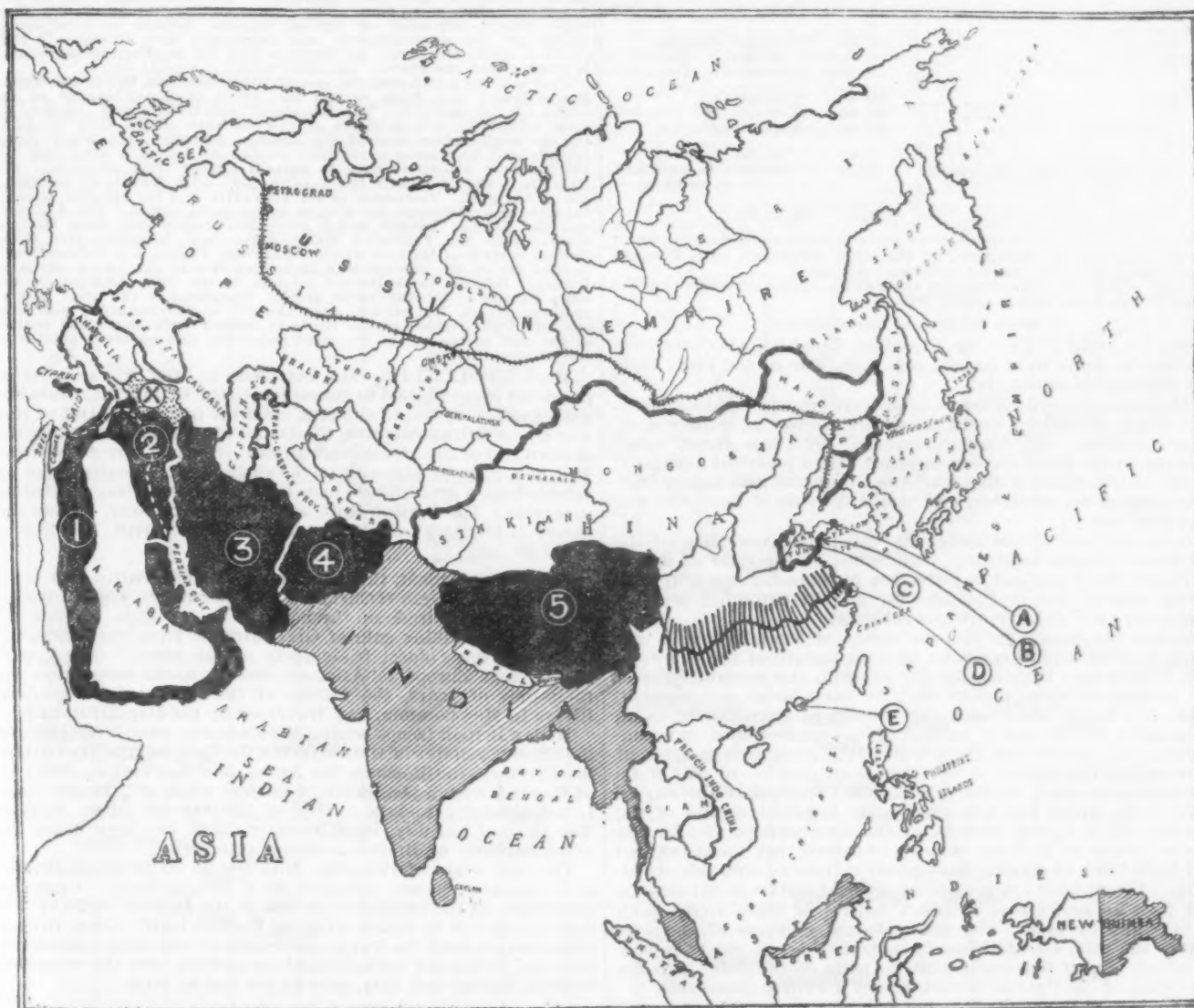
Great Britain stands to-day the dominant power in Asia and Africa, and, in Canada, holds dominion over more territory along

our northern boundary than is represented in the combined area of the United States and Alaska.

The aggregate area of the British Empire is one-fourth of the land surface of the globe, totaling 15,000,000 square miles, and

her population of 475,000,000 souls represents one-fourth of the total population of the world.

The Government of the British Empire is imposed upon 400,000,000 subject peoples, against their will, by 65,000,000



BRITISH TERRITORY IN ASIA.

Shaded portion—Territory held by Great Britain before the war. Solid black portion—Territory acquired by Great Britain as a result of the war.

① Hedjaz—set up as a State by Great Britain and under her control. ② Mesopotamia—Mandate under Great Britain. ③ Persia, ④ Afghanistan, and ⑤ Tibet, became British dependencies under treaties negotiated in August, 1919.

X Armenia—Urged by Great Britain as a mandate under the United States. Armenia is a buffer State protecting Mesopotamia and the Bagdad Railway (held by Great Britain) against attack by land.

A. Wei-hai-Wei—Port in Shantung seized by Great Britain from China when Germany took Kiaochow.

B. Kiaochow—Port acquired by Japan, under treaty of Versailles, in accordance with secret agreements with Great Britain.

C. Shantung—Province of China, occupied by Japan under treaty of Versailles.

D. Shanghai—Chinese port through which Great Britain exploits valley of Yangtze-kiang River. (See map.)

E. Hongkong—Chinese port controlled by Great Britain.

NOTE: The heavy line north of Mongolia marks the boundary between China and Russia. The trans-Siberian railroad is indicated on the map.

people of the English-speaking race, over a territory nine times larger in extent than the Roman Empire at the height of its glory. It is the boundaries of this Empire which the United States, under the league of nations, will be obligated to defend against external aggression or internal disturbance which, in the opinion of the council, amounts even to a "threat of war" affecting the "peace of nations."

I ask leave to print in the Record certain data explanatory of the maps, and tables connected therewith, without taking the time of the Senate to read them, under the ruling of the chair.

The PRESIDING OFFICER. If there is no objection, it is so ordered.

The matter referred to is as follows:

British territorial gains.

	Area. in square miles.	Population. ¹	Control.
Africa:			
Kamerun.....	300,000	3,540,000	Mandate.
German Southwest Africa.....	322,000	150,000	Do.
German East Africa.....	384,000	7,650,000	Do.
Togo.....	33,000	1,000,000	Do.
Egypt.....	350,000	13,000,000	Protectorate.
Sudan.....	1,000,000	3,400,000	Do.

¹ The populations given include only the native inhabitants. The European population is negligible, being not more than 1 per cent.

British territorial gains—Continued.

	Area in square miles.	Population. ¹	Control.
Ottoman Empire:			
Mesopotamia.....	140,000	2,000,000	Mandate.
Palestine.....	10,000	700,000	Do.
Syria (one-fourth).....	30,000	1,000,000	Do.
Asia:			
Tibet.....	460,000	2,000,000	(?)
Persia.....	600,000	10,000,000	(?)
Afghanistan.....	245,000	6,385,000	(?)
Islands:			
Cyprus.....	3,000	300,000	Annexed.
Kaiser Wilhelm Land and Islands of Pacific south of Equator.....	95,000	600,000	Annexed and mandates.
Total.....	3,972,000	51,725,000	

¹ The populations given include only the native inhabitants. The European population is negligible, being not more than 1 per cent.

² Tibet, Persia, and Afghanistan are substantially British protectorates as the result of treaties negotiated in August, 1919.

BRITISH CONTROL OF TRADE ROUTES.

Mr. LA FOLLETTE. Mr. President, Great Britain's enormous territorial gains were not the sole prize won at the peace table by the English diplomats.

Modern empires do not rest upon territorial possessions alone. The bases of modern world power are control of trade routes, raw materials, and foreign markets. Of these three, Great Britain, by the peace settlement is left with a practical monopoly.

Sir, if the object of this war was to prevent one nation from acquiring world dominion, and to end the rule of force, the war has been lost.

Great Britain stands to-day in undisputed possession of the mightiest Empire in history, maintained by the right of might, with her rivals pledged to assist her in retaining her grip upon every foot of her vast dominions, and in enforcing her law upon every one of her rebellious subjects.

Before the Senate ratifies the treaty of Versailles, it is our plain duty to inquire carefully into the nature of the peace we are setting up. Waiving for the moment, the natural right of all nations to equal opportunity for commercial development, what will be the effect upon this country of guaranteeing to an aggressive foreign power control of the trade routes, raw materials, and markets of the world? Will such an arrangement rebound to the benefit of the American people, or will it be advantageous solely to the international bankers of the city of New York, which has now become the financial capital of the world? Is it to the interest of the American people for the United States to bind this country to defend that world empire?

I intend first to consider that question from an economic standpoint. I shall later touch upon its political and its moral aspects.

I take up first Great Britain's control of trade routes both by sea and by land. The acknowledged mistress of the seas before the war, Great Britain's control of ocean routes is now absolute. Every important strategic point on the globe, with the exception of the Panama Canal, is now a British possession.

Of course it is not possible for Senators across this Chamber to see the map which hangs upon the west side of the main entrance, but it shows the naval stations of Great Britain as they were at the time we entered the war. None of them has been surrendered. By the arrangements made at Paris by the peace conference others have been added. This map was prepared, in the form in which I present it to the Senate, by the War College. It shows that the United States can not ship goods anywhere overseas without the sufferance of Great Britain. It shows an utter and an absolute and a total command of all the trade routes of the world by Great Britain. I say that that map does not truly represent the present condition, because it does not show the naval bases that Great Britain has acquired as a result of the war, but it ought to be enough to put Senators upon their guard and upon their inquiry. It ought to be enough to deter Senators from concurring in this treaty.

Asia embraces about half of the human race and is consequently the richest market for foreign trade. Here Great Britain's control of trade routes is most marked.

I can not stop, within the limited time that is now imposed upon me under the ruling of the Senator who occupies the chair [Mr. SUTHERLAND] to read, and therefore I ask permission to print without reading, in connection with my remarks, the comments of Mr. Herbert Adams Gibbons and other data upon the economic results of the deliberations of the peace conference.

The PRESIDING OFFICER. If there is no objection, it is so ordered.

The matter referred to is as follows:

It requires only a glance at the map to see that the British have succeeded in establishing themselves in places where they control the paths of the sea. Without the strongest navy in the world, their hold on southern Asia would be precarious. Mistress of the seas, Great Britain fears no rival. She commands: Europeans and Asiatics and Americans alike must obey. The commercial advantage of this thorough Asiatic extension of British eminent domain is incalculable. Lucky are the manufacturers and merchants born Britons—if they desire to trade any here. In southern Asia the handicap in their favor is greater than elsewhere. And that is saying a great deal!

Cyprus keeps guard over the eastern Mediterranean, Syria, and Egypt. Perim Island and Aden control the Strait of Bab-el-Mandeb at the outlet of the Red Sea. The islands of Adh-el-Kern and Sokotra, off Cape Guardafui, are sentinels at the entrance of the Gulf of Aden. On the southeastern side of the Arabian peninsula, the Kuria Muria Islands and Bay make a precious coaling station of a kind that the British were willing to fight to prevent France from obtaining. The Bahrein Islands dominate the Persian Gulf, with Koweit at the upper end of the gulf. Possession of the Laccadive and the Maldiv Islands, the Chagos Archipelago, and Ceylon makes India secure. The Andaman and the Nicobar Islands watch over the western exit from Malacca Strait, while the Federated Malay States and Singapore give Great Britain control of Malacca Strait. Sarawak, Brunei, and British North Borneo are on the strategically important side of the Dutch island of Borneo. British North Borneo is close to the Sulu Archipelago and other islands of the Philippine group. Hongkong is the great port of southern China, Wei-hai-wei, near the end of the Shantung peninsula opposite Port Arthur, stands ready to dispute with Japan the control of the exit to the sea of the most important and populous portion of the Chinese Empire.

Mr. LA FOLLETTE. Mr. President, in brief, by the terms of the peace we are asked to guarantee, Great Britain may train her guns upon every ton of shipping upon the high seas. Out of this war Great Britain has won the Island of Cyprus, controlling the eastern end of the Mediterranean Sea. She has transformed the Red Sea, a great highway to the east, into an English lake by establishing a protectorate over Egypt, and by setting up Hedjaz in Arabia. The Persian Gulf, as a result of the war, washes the shores of territory completely under British control.

THE BAGDAD RAILWAY.

But, Mr. President, the extension of British control over trade routes by sea is less remarkable than her newly won control of the highways of trade on the land.

The most striking gain of Great Britain from the war is the control of the "oldest trade route of the world"—the "royal road" from Europe to Asia, coveted by world conquerors for thousands of years, the valleys of the Tigris and Euphrates Rivers in Mesopotamia, now traversed by the Bagdad Railway.

To-day British troops occupy Mesopotamia, amidst the ruins of the ancient empires of the Assyrians, the Babylonians, the Greeks, the Persians, the Romans, the Arabs, and the Turks. The city of Bagdad, with a population in ancient times of 2,000,000 souls, is administered to-day—a city of 250,000—by Great Britain. The Bagdad Railway, since January, 1919, has been under the administration of British military authorities.

The new State of Palestine, which is to go to Great Britain as a mandate, is now occupied by a British army. Upon the completion of the unfinished section of the Bagdad Railway, the Suez Canal will be linked with the Persian Gulf. Great Britain thus emerges from the war in possession of this great commercial highway, giving her unchallenged domination over the commerce between Europe and Asia, both by sea and by land.

BRITISH NAVAL SUPREMACY.

Great Britain's control of the seas has been strengthened by another circumstance. The war has left Continental Europe without a great naval power. The German navy, which checked British supremacy, has been sunk. Russia's navy has been disorganized and crippled. Austria, with what was once a formidable naval force, is left by the Austrian treaty without an outlet to the sea. The net result of the war, so far as naval strength is concerned, is the elimination of all rivals of Great Britain. Even the combined navies of the United States and Japan would be greatly inferior to that of Great Britain.

What is true of naval strength is likewise true of the merchant marine. But I stop here for a moment to introduce the opinion of the greatest naval expert that the last generation produced as to the effect upon the commercial and industrial destiny of a people of the naval control of the seas.

Put any single nation in control of the seas, and I lay it down as a maxim that you have given to that nation the arbitrary power to control the commercial and industrial development of the world; and in support of that statement I offer the opinion of Admiral Mahan, universally accorded first position among the naval authorities of modern times. Listen to what he says in his great work on "Sea Power":

The world has long been accustomed to the idea of predominant naval power, coupling it with the name of Great Britain, and it has been noted that such power, when achieved, is commonly often associated with commercial and industrial predominance, the struggle for which is now in progress between Great Britain and Germany.

He wrote before the German war, and he wrote with an understanding as to what caused the World War which has occupied the stage of human events for the last four or five years. He understood it was not a question of civilization, but a question of industrial development and commercial control.

Such predominance—

That is, naval predominance—

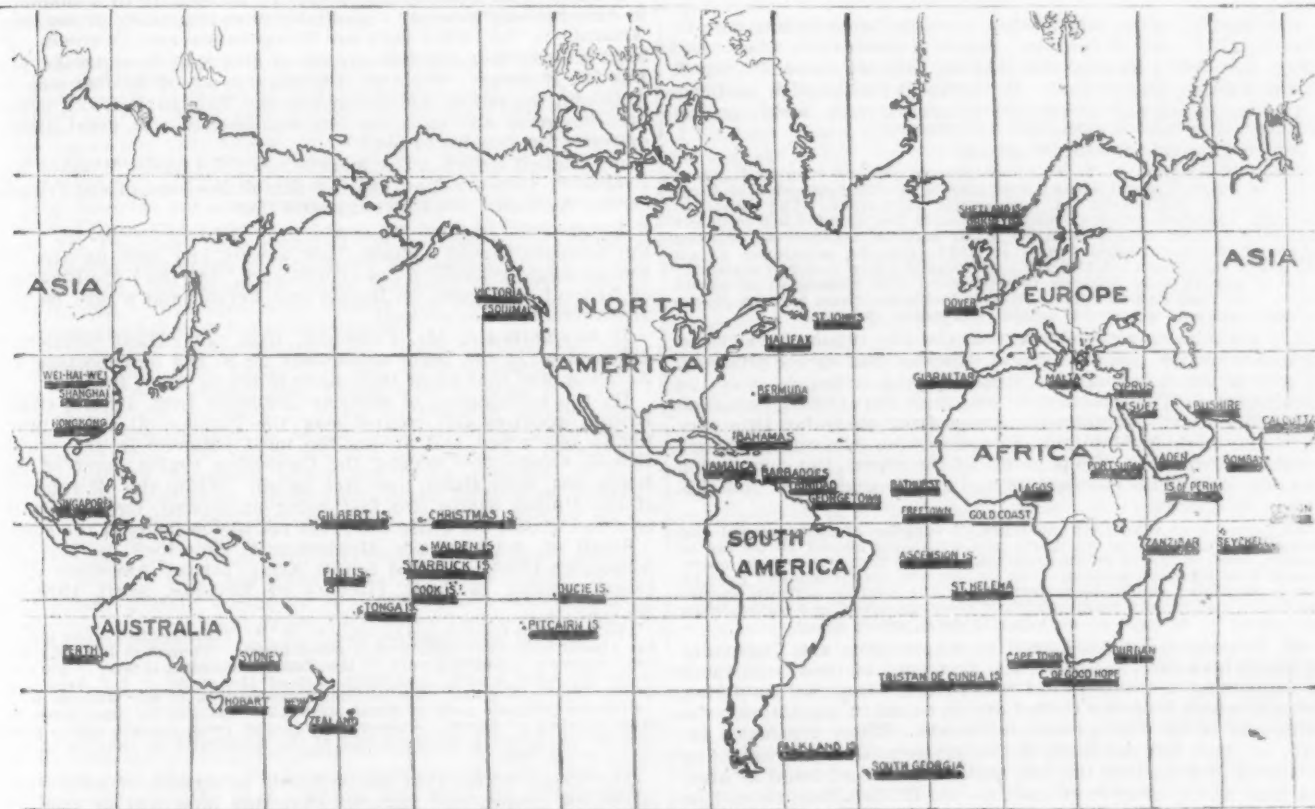
forces a nation to seek markets and, where possible, to control them to its own advantage by preponderant force, the ultimate expression of which is possession. * * * From this flow two results: The attempt to possess and the organization of force by which to maintain possession already achieved. * * * This statement is simply a specific formulation of the general necessity stated; it is an inevitable link in the chain of logical sequences—industry, markets, control, navy bases.

Given those, you have the domination of commercial power. Given those, to the extent that you can control the world, you can control the trade and commerce of the world.

Mr. President, the man in whose hands fate had placed the destinies of this Nation, without a question, without argument, without reservation, at once yielded, on the eve of the writing of the terms of the armistice, to the demands of Great Britain that the control of the seas should be reserved to her.

By this act he made good the boast of Lloyd-George in his speech at Glasgow, June 29, 1917, when he said: "Britain will rule the wave through the war and after the war."

After he had taken this country into the war on the ground that our rights on the sea had been interfered with, and that they must be maintained; that there must be open pathways on the sea; that the rights of neutrals on the sea were sacred; President Wilson sat down at the peace table and surrendered to Great Britain the absolute control of the seas. In God's name, is there to be found anywhere in the history of the nations of the world such a betrayal? And you who are supporting the confirmation of the pledges made in this treaty are indorsing



BRITISH CONTROL OF THE SEAS.

Underlined names indicate naval stations held in 1914 by Great Britain, giving her control of the trade routes of the world.

The map does not include British gains as a result of the war.

By the terms of the peace, German islands in the Pacific north of the Equator go to Japan, while German islands south of the Equator go to Great Britain. This division is in accordance with the secret treaties of the Allies, negotiated before the United States entered the war. The islands acquired by Great Britain and Japan lie between our western coast and the Philippines.

that action, and will be held to account for it some day by the American people.

I wanted, if possible, to save out of this discussion a few minutes to discuss some reservations that I have presented here that I think have something in them which, if they could be argued and debated and considered by the Senate—well, I do not know. I will withdraw that. I will not say that any discussion of them would appeal to some consciences and some minds here. Arrangements have been concluded. Argument does not count. Moral questions, national honor, vital interests, are all thrown into the discard and onto the dust heap. In order that we may be members of a league that makes us the tool of Great Britain.

You may foreclose debate here, you may pass your clotures and shut out discussion on this floor, but you can not stop debate before the American people. We have, it is true, measures pending here looking to that end. We have several of them. We have one reported from the Judiciary Committee that, construed by some of the courts, will stop criticism of administrations.

Mr. FRANCE. They will so construe it, too.

Mr. LA FOLLETTE. It will be so construed by some of the courts. Some of the Federal courts have shown themselves to be the abject tools of the special interests. I say that and I mean it, and I am going to take the floor one of these days and review the decisions of that judge at Indianapolis who issued the injunction against the coal miners, an injunction that can not be sustained for a minute by any decisions of the courts or by any construction of the law.

BRITISH CONTROL OF RAW MATERIALS.

Mr. President, I have said that control of raw materials is one of the bases of modern world power. By the peace settlement, Great Britain acquires control over vast natural resources and unlimited supplies of raw materials.

Before the war England was not at a disadvantage in this respect.

She had Canada, with an area of 4,000,000 square miles, 30 per cent of which is suitable for agriculture, supplying wheat, oats, and other foodstuffs; with immense resources

of coal and oil, both as yet untouched, and with rich deposits in nickel, zinc, lead, tin, copper, silver, and gold.

She had India, with 225,000,000 out of a total population of 315,000,000 engaged in agriculture, producing wheat, rice, tea for the English table, and wool, cotton, jute and other raw materials in huge quantities for the English factories.

She had Australia, with an area of 4,000,000 square miles, supporting only 5,000,000 people, importing to England great quantities of meat, wool, wheat, dairy products, copper, tin, lead, timber, and coal.

She had South Africa, with a monopoly on the diamond supply of the world, importing over \$30,000,000 in stones to England in 1918, and supplying wool, coal, hides, and skins.

Now, Mr. President, can it be argued that it is conducive to the peace of the world and of the general welfare of the nations for one power to extend its control over the raw materials of the earth? Is it true that Great Britain follows a benevolent policy of sharing her advantages with other countries?

Fortunately, some information is available on this point. In March, 1918, the Dominions Royal Commission, which had spent five years touring the British Empire, made its report to the British Government. It reminded the English people—

That the Empire had substantially a monopoly of the world's product of certain most valuable commodities of commerce.

And it gave this significant advice:

It is not difficult . . . to imagine conditions even in times of peace, in which it might become desirable to use the possession of these assets as an instrument of commercial advantage. The practical monopoly of potash which Germany possesses, has enabled her to assert pressure on other countries in the past, and the controversy between Germany and the United States in 1911, may be mentioned as an example of the influence which the possession of a raw material monopoly gives in negotiations between two powers. The possession of assets such as the Canadian asbestos and nickel supplies could be used by the British Empire as a powerful means of economic defense.

The commission recommends that Canada supplant American capitalists in the manufacture of asbestos and nickel products, in both of which industries Canada holds a monopoly over the raw material. The commission commends the existing Canadian legislation which prohibits foreigners from obtaining title over petroleum lands in Manitoba, Saskatchewan, Alberta, and other Dominion Provinces. On page 183 of the report, the commission sums up its "main conclusions and recommendations" on this subject as follows:

We regard it as vital that the Empire's supplies of raw material and commodities essential to its safety and well-being should be, as far as possible, independent of outside control. As the first step toward ascertaining how such independence can be secured, we recommend that an immediate survey should be undertaken of the relation between Empire production and Empire requirements of these materials and commodities, such survey to be made by an imperial development board.

Mr. President, I have quoted at length from this important document because I anticipate the argument of those who favor the support by this country of Great Britain's imperial ambitions, and who would bind the United States to aid in maintaining the status quo of the Paris peace settlement. These gentlemen believe, so close are the natural ties between Great Britain and the United States, that the two nations will work hand in hand and that whatever gains accrue to the British Empire will be shared by the United States.

Ah, Mr. President, that hope finds no support in the frank recommendations of this commission. Suggestions that monopolies of raw material may be used as "instruments of commercial advantage;" that they are valuable in "negotiations between two powers;" warnings to Canada that she must eliminate "foreign control" of her nickel ores, and recommendations that stringent regulations against foreign investments in petroleum, coal, iron, wood pulp, and other natural resources be enacted in every part of the realm—are these the words upon which we are to base our hope for future favors?

The gentlemen overlook the fact that the United States is now Great Britain's principal competitor in commerce, manufactures, and finance. They forget that the British foreign office, acting without restraint from Parliament and often without the knowledge of that body as to the policies it pursues, is eternally vigilant for the protection and aggrandizement of British trade interests throughout the world.

If there were not more vital political and moral considerations at stake, our selfish interests should restrain us from guaranteeing another nation's claim to the natural wealth of the earth. Monopoly does not breed generosity or regard for the rights of others. Monopolies are acquired, maintained and exploited for one object, and that object is self-aggrandizement.

WHY AN AMERICAN MANDATE IN ARMENIA IS DESIRED.

If any man is in doubt as to what the United States may expect under the peace settlement, he has only to look beneath the surface of the proposed mandate in Armenia. The American

mission sent to Armenia has, it is true, reported against the acceptance of a mandate by this country. But Great Britain is determined to have us accept it, and I doubt not if we continue in our present course, in a few more months we shall find American soldiers in Armenia. It was only a few days ago that Lloyd-George, A. Bonar Law, and other leaders in the House of Commons expressed great impatience with this country for not immediately taking over the government of Armenia.

A competent American authority, Frank H. Simonds (Review of Reviews, September, 1919, p. 266), declares that the occupation of Armenia would—

demand an army which at the outset could hardly be estimated at under 100,000, and might have to be double that size. We should find ourselves in the East forever in the presence of a Russian resumption of that press southward which was only interrupted by the revolution. Between the Cilician Gates and the Upper Euphrates we should stand in an area where British and French claims conflict, while about Constantinople we should find ourselves face to face with Russian, Bulgarian, and Hellenic aspirations.

Senators and citizens who favor the acceptance of a mandate in Armenia might devote a profitable hour to a study of the map. Armenia is the buffer between Mesopotamia and Caucasasia. It obstructs the only possible avenue of attack by land against the Bagdad Railway. With an American army of 100,000 men in Armenia, the power which controls the Bagdad Railway might breathe easily and maintain her dominion of this great artery of trade for decades to come.

An English writer, a few months ago (H. Charles Woods, Contemporary Review, June, 1919) reflected the hope of our friends across the water when he suggested that—

If America could be persuaded to undertake this responsibility—

the mandate should include, "not merely just such an area as Europe might consider a disencumbrance," but the little Republic of Arrarat, bordering on Russia and Persia, and a port on the Mediterranean Sea as well.

It is significant, Mr. President, that the richest territories disposed of in the peace settlement lie in the neighborhood of Armenia, and that all of them have fallen to Great Britain.

By the withdrawal of Russian influence from Persia, Great Britain acquires full control over the Persian oil lands, practically untouched and among the most valuable in the world. British troops now occupy the Caucasian region, west of the Black Sea, near Baku, also rich in oil. While the oil reserves of the United States are fast being exhausted, Great Britain now has within her grasp the great petroleum fields of the globe.

South of Armenia lies Mesopotamia, described by Maj. T. Alexander Powell, United States Army, former American vice-consul general in Syria (Review of Reviews, April, 1919, p. 407), as—

The richest of these Asian lands. . . . This Mesopotamian region has almost unlimited agricultural possibilities. Though it is to-day the most sparsely populated part of the Turkish Empire, it was in ancient times the most densely populated part of the world. . . . According to the painstaking and conscientious investigation of Sir William Willcocks, the irrigable area of Mesopotamia is from two to three times as large as that of Egypt. Cotton, sugar cane, corn, cereals, opium, and tobacco will flourish on the banks of the Euphrates as they do in the valley of the Nile.

The writer states that Mesopotamia is capable of supporting 30,000,000 people, and suggests that this land will be used by Great Britain as an outlet for overcrowded India.

The new British dependencies in Africa are also rich in natural resources. Togo produces cotton, oil, rubber; Kamerun produces rubber, ivory, cocoa, palm oil, hard woods; Southwest Africa, cattle, sheep, and rich resources of iron, copper, tin, gold, and diamonds; East Africa, rubber, ivory, coffee, coal, iron, lead, copper.

BRITISH TARIFF POLICY.

I have shown, Mr. President, how Great Britain controls the raw materials of the world. I have sketched roughly her control of the trade routes by land and by sea. That she controls the markets of the world as the result of her vast political empire can hardly be questioned. I shall not take time to prove the obvious fact of her supremacy in Africa, Asia Minor, and Asia where the most profitable markets are to be found.

Now, Mr. President, if we are to guarantee to another nation a world monopoly of trade routes, raw material, and markets, the responsibility is upon the Senate to take into account the obvious results of that policy.

I recommend to Senators who have shown themselves zealous in the protection of American business interests a study of the tariff policy of Great Britain.

Since 1897 the system of "preferential tariffs" has been extended throughout the British Empire. To quote a British authority (J. Watson Grice, "The Resources of the Empire," p. 52):

In large measure the maintenance of the trade of the mother country with the dominions, and the steady expansion in the trading relations of each of the dominions with other portions of the Empire,

reflected in the adjoining tables, have been assisted and encouraged by the preferential treatment which has been accorded by each of the dominions to certain products and manufactures of various parts of the British Empire.

The same authority notes that, under the revision of the Canadian customs tariff of 1907, with the enactment of a "preferential tariff," a "general tariff," and an "intermediate tariff," American goods "pay the general tariff rates on importation into the Dominion, and that from April, 1903, to February, 1919, German goods were subject to a surtax of one-third of the duties under the general tariff."

Since the close of the war, plans have been laid to revise the preferential tariffs of the British Empire and to heighten the "tariff wall" surrounding the colonies.

Before the war Germany was England's rival for foreign trade. The preferential tariffs of the British Empire were levied with that fact well in mind.

President Wilson, speaking at St. Louis, Mo., September 5, 1919, declared that the war itself was the result of the fierce competition between these two nations. He said on that occasion:

Why, my fellow citizens, is there any man here or any woman, let me say is there any child here, who does not know that the seed of war in the modern world is industrial and commercial rivalry? The real reason that the war we have just finished took place was that Germany was afraid her commercial rivals were going to get the better of her, and the reason why some nations went into the war against Germany was that they thought Germany would get the commercial advantage of them. The seed of the jealousy, the seed of the deep-seated hatred was hot, successful commercial and industrial rivalry. * * * This war, in its inception was a commercial and industrial war. It was not a political war.

Now, Mr. President, as a result of the war, the United States has succeeded Germany as England's commercial rival. She will inherit, as time passes, the same jealousy, the same "deep-seated hatred," that inevitably results, as Mr. Wilson says, from "commercial and industrial rivalry."

In revising her preferential tariffs, Great Britain will not overlook the fact that America is her chief commercial competitor. She will extend her tariff wall around her new dominions—as she extended it early in the war around the captured German colonies in Africa—and American goods will be excluded from the lands we are guaranteeing to Great Britain, just as American goods are being excluded to-day from German Southwest Africa, and other territories where, before the war, our goods entered upon an equal footing with the commerce of the world.

The Senate must reckon with this result of the peace settlement, as well as with the effect upon American commerce of giving Great Britain power to levy prohibitive shipping and freight rates on the great trade routes and in the great ports of entry over which she has recently extended her control.

BRITISH EXPLOITATION OF SUBJECT PEOPLES.

I have heard it stated in this Chamber that Great Britain is the one great colonizing nation in the world. In justification of her wide dominion, it has been argued that she is peculiarly fitted to administer the government of distant territories.

Senators who advance that doctrine ignore the fact that the day of colonization is past. There has been no effort—and there will be none—to colonize India, Egypt, or Mesopotamia, as Canada, Australia, and South Africa have been colonized. Out of a total population in India and her dependencies of 360,000,000, there are to be found only 170,000 Europeans and Americans, of whom two-thirds are British subjects. Great Britain holds these immense territories and administers the affairs of the native populations, not for purposes of colonization, but for the sole object of exploitation.

Under the pretense of altruism, with much talk of bestowing the blessings of Christianity and civilization upon the "backward peoples," the imperial nations of Europe have ruthlessly exploited the rich resources and vast populations of Africa and Asia.

The covenant of the league of nations provides that in the future this exploitation shall be carried on under the authority of a mandate. No provision is made whereby the dependent countries may safeguard their natural resources. It is not even provided that a "backward" nation may refuse a mandate which it knows is prompted by selfish interest.

A native Hindu, writing of the subjection of his race and of western domination of Asia has aptly described the conditions the treaty of peace will perpetuate:

There are four main incentives for the subjection of Asia: (1) Rich natural resources; (2) unlimited amounts of human material (cheap labor); (3) raw material for feeding the looms and factories of Manchester and Lancashire; (4) markets—a place on which to dump the cheap manufactured trash of Europe.

That is the analysis, Mr. President, of this keen eastern mind of the reasons why Asia is now held fast under foreign rule.

The writer now describes the real purpose of the governments maintained by foreign powers in Asia:

In return for the possession and exploitation of natural resources and human beings, the exploiting nation establishes and forces upon the unwilling, unarmed, and defenseless people a political despotism the chief aim of which is to render economic exploitation more efficient.

Under this system of political and economic exploitation, Asia has endured three centuries of torture. Countless millions have starved to death while food which they have grown has been shipped from their country; railroads and strategical harbors have been built for this purpose. Not only were railroads built with private British capital, but the British government in India guaranteed a profit to all investors, such money to come from the Indian revenues if the railroads did not pay for themselves.

Their industries have been destroyed that they might not compete with Manchester and Lancashire and that they might remain producers of raw materials; their self-governing, democratic village communities have been destroyed and authority centralized in one hand that exploitation might be more thorough; their schools have been destroyed and education denied them, save that which fitted them for subordinate clerical positions under European masters; opium and liquor have been forced upon them by cannons with a four-fold purpose; revenue, easier economic subjection, easier political subjection, racial and cultural destruction.

That is the system which is being forced to-day upon the unwilling races of Asia and Africa.

It may be said that this picture is overdrawn. It is my own belief that it tells the ugly truth of the white man's penetration in China, India, Egypt, and other defenseless countries.

I shall not review the results of that system. Wherever it has been imposed, it has brought famine, misery, and rebellion. The average income of a native worker in India to-day is less than \$10 a year, and \$1.50 of that amount is wrung from him annually in taxes levied by an alien government. The statement before the Foreign Relations Committee of the Senate that 6,000,000 natives died during the last three months of 1918 because of the "drawing of resources out of India, making it impossible for her to maintain an adequate food supply," has not been denied.

Wherever the British flag flies over a subject people to-day, revolution is brewing. Ireland is an armed camp. Three hundred and fifty millions of Indians are stirring. The Egyptians, betrayed into the passive acceptance of a protectorate, are in open revolt. Egypt was called by Napoleon "the most important country in the world." Bismarck referred to it as "the nerve center" of the British Empire. British ascendancy in Persia, Afghanistan, and China meanwhile, depends upon the maintenance of her rule in India. If she should lose either India or Egypt, most of the subject peoples whom she exploits would gain their freedom.

LEAGUE FORMED TO PRESERVE STATUS QUO.

Mr. President, there is one agency to which Great Britain may look for aid in holding her rebellious subjects in check, and that agency is the league of nations.

I care not what reservations or amendments we attach to this covenant. In the final analysis it is an instrument for the preservation of the status quo. Like the Holy Alliance of 1815, it is couched in the language of idealism and peace. But, like the Holy Alliance, it will be used for the suppression of nationalities and for the prosecution of oppressive warfare.

This covenant closes the door in the face of every people striving for freedom. Not one of the races now held in bondage had a voice in the making of this instrument. Not one was granted an opportunity to be heard at Paris. This covenant was so cunningly conceived that the first act of revolution in India, Korea, Egypt, or Ireland will be interpreted as a "threat of war" and a disturbance of the "peace of nations." Patriots of India, Egypt, Ireland seeking external aid for their countries as Franklin sought aid in France for the struggling American colonies, and as Kosuth, Kosciuszko, De Valera, and many others have sought aid in the United States for the cause of human freedom, by the terms of this treaty become international outlaws. No ingenuity of interpretation of the articles of this document can remove from my mind the conviction that it destroys everywhere the right of asylum.

If we are to disregard every principle of our free institutions and every tradition of the past, there are yet other reasons why we should withhold our support from this new alliance.

We should not deceive ourselves into believing that there can be a permanent enforcement of the present system of exploitation in Asia. The civilization of these Asiatic countries is more venerable than our own. Asia's contribution to the world has been the principle of human brotherhood. Asia has produced the great moral teachers of history—Confucius, Buddha, Mohammed, Christ.

To these great teachers may be traced the nonresistance and pacifism of the Asiatic peoples.

The races of Asia have now suffered for three centuries under European exploitation. Off the east coast of China they see the smallest of the Asiatic nations, Japan, holding a place of

power in the councils of the world. They know that Japan owes her present ascendancy to the military and naval strength which she built up in a decade. With this example before them, is it likely that the millions of Asia will continue long under foreign rule? China has already awakened under the stimulus of a revolution and the theft of Shantung. India is approaching revolt. Should the league of nations attempt to maintain indefinitely the status quo in Asia, the world will witness a more terrible war than the one from which we have emerged. It will be a continental war—a race war, in which the white races will be hopelessly outnumbered.

If we ratify the treaty with Germany we are leading this country farther into the shadow of that menace.

Mr. President, I do not speak of Great Britain's mighty Empire in a spirit of covetousness.

I do not covet for this country a position in the world which history has shown would make us the object of endless jealousies and hatreds, involve us in perpetual war, and lead to the extinction of our domestic liberty. I, for one, harbor no ambition to see this country start upon the path which has lured other nations to their ruin.

Mr. President, we can not, without sacrificing this Republic, maintain world dominion for ourselves. And, sir, we should not pledge ourselves to maintain it for another.

Where are Great Britain's boundaries likely to be assailed? Certainly not in Australia, Canada, South Africa, or New Zealand. These self-governing dominions—colonized and peopled by Englishmen—have given ample proof of their loyalty to the mother land and their Anglo-Saxon populations need no league of nations to guarantee the integrity of their territories.

It is the vast native populations, held in bondage for the enrichment of a small class of imperialist aliens—the millions of India, Egypt, and the Ottoman Empire—who are apt in the future to disturb the status quo created by this peace.

It is these peoples that the league of nations must hold in check. It is to maintain this part of her Empire that Great Britain must keep her mighty navy and burden the English people with taxes.

It is my conviction that the English people residing in the dominions and the British Isles would benefit most if this illicit portion of the Empire should crumble and fall away.

If the British Empire were limited to the dominions, with its government founded upon the consent of the governed, and hence requiring no guaranties from other nations, the peace of the world would rest upon a sounder basis.

Mr. President, I know the argument will be advanced here that the 400,000,000 unwilling subjects of the British Empire enjoy better government than they would enjoy if left to govern themselves.

Senators, that is an argument which, even if it were based on truth, should have no place in the American Congress. We owe our national existence to the courage of a handful of men who proclaimed to the world the self-evident truths that—

All men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness, that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

A controversy arose in this country 60 years ago as to the application of those great principles. In that contest, Abraham Lincoln contended that the Declaration of Independence applied not alone to white men, or to the descendants of the English settlers in the colonies, but to all men, white and black, yellow and brown, and he declared that Declaration the "sheet anchor of American republicanism."

LINCOLN ON SUBJUGATION OF WEAKER PEOPLES.

When the arguments were advanced in this country for the enslavement of the Negro which are now advanced for denying the natives of India and of Egypt self-government, Lincoln replied (Chicago, Ill., July 10, 1858):

Those arguments that are made, that the inferior race are to be treated with as much allowance as they are capable of enjoying; that as much is to be done for them as their condition will allow. What are these arguments? They are the arguments that kings have made for enslaving the people in all ages of the world. You will find that all the arguments in favor of kingship were of this class; they always bestrode the necks of the people, not that they wanted to do it, but because the people were better off for being ridden. That is their argument, and this argument of the judge (Douglas) is the same old argument that says, You work, and I eat; you toil, and I will enjoy the fruits of it. Turn it whatever way you will, whether it come from the mouth of a king as an excuse for enslaving the people of his country, or from the mouth of men of one race as a reason for enslaving the men of another race, it is all the same old serpent.

In the same speech, Lincoln said:

Now, I ask you in all soberness, if all these things, if indulged in, if ratified, if confirmed and indorsed, if taught to our children, and repeated to them, do not tend to rub out the sentiment of liberty in the country, and to transform this Government into a Government of some other form?

In that same great contest, on another occasion (Edwardsville, Ill., Sept. 13, 1858), Lincoln said:

What constitutes the bulwark of our own liberty and independence? It is not our frowning battlements, our bristling sea-coasts, our army and our navy. These are not our reliance against tyranny. All of these may be turned against us without making us weaker for the struggle. Our reliance is in the love of liberty which God has planted in us. Our defense is in the spirit which prizes liberty as the heritage of all men, in all lands everywhere. Destroy this spirit and you have planted the seeds of despotism at your own doors. Familiarize yourselves with the chains of bondage and you prepare your own limbs to wear them. Accustomed to trample on the rights of others, you have lost the genius of your own independence and become the fit subjects of the first cunning tyrant who rises among you.

Mr. President, when Abraham Lincoln contended for the right of self-government, as the heritage of "all men in all lands, everywhere," who can say that he would have excluded the people of Egypt, of India, and of Ireland?

These people do not ask that we send armies to Europe or Asia to aid them in gaining their freedom. They ask, simply, that we shall do nothing to hinder them in their struggle for independence from the power which once held sway over the American Colonies.

The hope expressed here, that by entering the league of nations we can best serve these subject races is, in my opinion, a forlorn hope.

If we were powerless to serve oppressed peoples at Paris, by what logic can it be argued that we shall be better able to serve them at Geneva?

At Paris our enemies, our Allies, and the neutral nations of the world had accepted the fourteen points which we were pledged to write into the peace.

How the representatives of the United States compromised those principles, how they set aside the doctrine of self-determination, how they abandoned "open covenants openly arrived at" for the secret treaties of the Allies, are now matters of history. Can it be hoped that at Geneva, with the confidence of the world blasted in the stability of our purposes and ourselves bound to a covenant which pledges our support for the status quo, we shall be a powerful advocate for Korea, India, Egypt, and Ireland?

Mr. President, when the American people were committed to this war, the great mass of them were led to believe that they were suffering and fighting for the destruction of arbitrary power, exercised by strong nations over weaker people—fighting to carry democracy to all parts of the world.

The war ended. We sacrificed a quarter of a million precious American lives, incurred a war-debt of thirty billions, disorganized industry, engendered class hatred in our social order, created a new crop of profiteering millionaires, overturned a German autocracy and built up a British autocracy infinitely stronger to rule the world, and we are now engaged in creating a league of nations to perpetuate its power and bind this Government to respect and preserve its extended boundaries.

Look at the map of the world as Great Britain's boundaries were fixed before the war! British possessions—widely scattered, outlying, detached, isolated—waiting to be united, bound together, and made secure!

Look at the map to-day, with British boundaries reaching out over the earth to embrace her spoils of war.

The map of the world has become the map of Great Britain. It is not the work of chance. On its face it is the written confession of the guilt of British imperialists for their full share in the years of diplomatic intrigue which inevitably embroiled the world in war.

How puny appear the ambitions of Germany compared to the imperial power now actually attained by Great Britain!

In spite of the protestation of Lloyd-George that England did not seek "one yard of territory," Great Britain has made capital of the sacrifices of the United States, of France, and of the English people, to bring a vast new territory under her flag, and British bankers and traders are preparing for a new era of exploitation.

I do not believe that the British Empire, in which the missing links were neatly fitted at the Paris conference, is an accident of events.

It is plainly the consummation of the long-considered and well-planned program of the imperialists who dominate the British foreign office, at the expense of the English people. To this source, in my opinion, may be traced many of the minor irritants which lead up to the war.

It was this force which built up in the United States by subtle propaganda hatred of Germany. It is this power which now seeks American support for a treaty visiting upon the German Republic a peace more crushing, more harsh and pitiless in its terms, than any peace threatened to be imposed upon the German Empire under the rule of the Kaiser and the Junker.

That this venomous and unreasoning hatred of Germany still persists in some parts of our country will not restrain me from

raising my voice in protest against the crushing of the German Republic and the German people, who, according to the President's own statements, were not responsible for the war.

If we ratify the treaty of Versailles, after pledging ourselves to a peace based upon the fourteen points—which had been approved by the Allies and accepted in good faith by the Central Powers—we shall stand convicted before the world as a Nation without honor, and unworthy to be trusted to fulfill the pledges it has made.

Mr. KENYON. A parliamentary inquiry, Mr. President. I would like to know if one Senator can give his time to another Senator. I would like to give the Senator from Wisconsin—

Mr. GRONNA. That has been decided.

Mr. KENYON. It has been decided?

Mr. GRONNA. Yes.

Mr. LA FOLLETTE. I would like to have the Senator complete that statement; he would like—

Mr. KENYON. I would like to give the Senator a part of my time.

Mr. LA FOLLETTE. I am indeed grateful there is one Senator who indicates that disposition.

Mr. GRONNA. Two.

Mr. LA FOLLETTE. Yes; there is one in addition to the Senator from North Dakota.

The PRESIDING OFFICER. The Chair has ruled that according to his understanding of the rule that could not be done. But of course that decision is reviewable by the Senate.

Mr. LA FOLLETTE. I asked a question of the desk. Will the desk tell the Presiding Officer, and let me be informed how much time I have left?

The PRESIDING OFFICER. You have thirty minutes of your own time left.

Mr. LA FOLLETTE. Thirty minutes of my own time?

The PRESIDING OFFICER. Yes, that is not taking out the time the Senator used of the time of the Senator from North Dakota [Mr. GRONNA].

Mr. LA FOLLETTE. I want to reserve that thirty minutes to discuss certain reservations that I have offered here, and therefore I forego making additional argument that I think is in the interests not only of the material welfare of this country, but in the perpetuity of its free institutions.

The PRESIDING OFFICER. The question is on the substitute offered by the Senator from Utah [Mr. KING] for the reservation proposed by the Senator from North Dakota [Mr. McCUMBER].

Mr. THOMAS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hale	McNary	Smith, Ga.
Ball	Harding	Moses	Smith, S. C.
Bankhead	Harris	Nelson	Smoot
Beckham	Harrison	New	Spencer
Borah	Henderson	Newberry	Stanley
Caldor	Hitchcock	Norris	Sterling
Capper	Johnson, Calif.	Nugent	Sutherland
Chamberlain	Johnson, S. Dak.	Overman	Swanson
Colt	Jones, Wash.	Owen	Thomas
Cummins	Kellogg	Page	Townsend
Curtis	Kendrick	Penrose	Trammell
Dial	Kenyon	Phelan	Underwood
Dillingham	Keyes	Pittman	Wadsworth
Edge	King	Poindexter	Walsh, Mass.
Elkins	Kirby	Pomerene	Walsh, Mont.
Fernald	La Follette	Reed	Warren
Fletcher	Lenroot	Robinson	Watson
France	Lodge	Sheppard	Wolcott
Frelinghuysen	McCormick	Shields	
Gay	McCumber	Simmons	
Gronna	McKellar	Smith, Ariz.	

The VICE PRESIDENT. Eighty-one Senators have answered to the roll call. There is a quorum present.

Mr. HITCHCOCK. Mr. President, without interruption I should like to take five or six minutes to explain why I can not vote for the substitute offered by the Senator from Utah [Mr. KING] nor for the original reservation offered by the Senator from North Dakota [Mr. McCUMBER].

A good deal of emphasis has been laid on the fact that this is recognizing an international labor conference which may have an important effect on labor throughout the world. It makes no difference whether we recognize by this instrument an international labor conference or not. Such conferences have been held, and they will continue to be held, and will exert an influence on labor questions throughout the world. The only question is whether, by giving them Government recognition here and by providing Government participation, we will succeed in stabilizing labor conditions everywhere and in equalizing them in a reasonable way in the reasonable interest of labor.

Mr. President, under present conditions when labor holds an international conference all the members represent labor; they are labor delegates. Under the plan proposed in this treaty, one-half of the members attending the conference will be appointed by the Governments and will represent the general public, one-quarter only will represent labor, and one-quarter will represent employers, so that the result is apt to be more conservative and fairer and more in accordance with the welfare of society than to have one class only represented.

Mr. President, there is another thing. A governing body is created in addition to this conference which is to be held once a year. The governing body also consists one-half of representatives of the various nations, one-quarter of labor, and one-quarter of employers. So there again we have a responsible body more likely to reach reasonable decisions than if they were wholly belonging to one class.

Another thing I want to impress upon Senators is that the action of the conference is only advisory. It can not pass any resolution or enact any decree that binds anybody. All it can do is to recommend to the nations of the world, and there are only two methods in which those recommendations can be considered. First, the recommendation by the international labor conference can be put into the form of a treaty between the nations to which it refers. If that is ratified, then it binds them just the same as any other treaty is binding. Second, if not put into a treaty, it may be indrafted into the legislation of the various countries. In the United States that would require an act of Congress.

So there is no danger that the labor conditions of the United States will be governed by any international body. Always the question will remain a matter for Congress to decide or for the Senate to pass upon if it is in the form of a treaty to be ratified.

With these explanations, what objection can there be to this provision in the treaty? What possible objection is there to making an effort to stabilize labor conditions and equalize them throughout the world? We have complaints of pauper labor competition with the United States. The natural tendency will be to equalize, if this conference shall have their way, the eight-hour day not only in the United States but in other countries that have not adopted it, and with the conservative feature introduced by the representatives of the Governments, by the representatives of two classes, the employer and the employee, I can see no reason why the best results can not be secured.

I have heard it stated that nations were bound by this international labor conference. Let me read a single paragraph from article 405, which demonstrates absolutely that that statement is not true. It reads as follows, page 501:

If on a recommendation no legislative or other action is taken to make a recommendation effective, or if the draft convention fails to obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the member.

In other words, a recommendation is made by the labor conference, and if the United States Senate does not ratify a treaty to take it into effect or if the Congress of the United States shall not enact a law to take it into effect, it does not bind the United States in any degree.

The VICE PRESIDENT. The question is on the substitute offered by the Senator from Utah [Mr. KING], on which the yeas and nays have been requested.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the junior Senator from Rhode Island [Mr. GERRY], who is unavoidably detained from the Senate. I therefore withhold my vote.

Mr. KENDRICK (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. FALL]. In his absence I withhold my vote.

The roll call having been concluded, the result was announced—yeas 43, nays 48, as follows:

YEAS—43.			
Ball	Gore	McLean	Sherman
Borah	Gronna	Moses	Shields
Brandegee	Harding	Myers	Smith, Ga.
Caldor	Johnson, Calif.	New	Smoot
Cummins	Jones, Wash.	Newberry	Sutherland
Dial	Kenyon	Norris	Thomas
Dillingham	King	Page	Wadsworth
Elkins	Knox	Penrose	Walsh, Mass.
Fernald	La Follette	Phipps	Warren
France	Lodge	Poindexter	Watson
Frelinghuysen	McCormick	Reed	
NAYS—48.			
Ashurst	Chamberlain	Fletcher	Harrison
Bankhead	Colt	Gay	Henderson
Beckham	Culberson	Hale	Hitchcock
Capper	Edge	Harris	Johnson, S. Dak.

Jones, N. Mex.	Nelson	Robinson	Sterling
Kellogg	Nugent	Sheppard	Swanson
Keyes	Overman	Simmons	Townsend
Kirby	Owen	Smith, Ariz.	Trammell
Lenroot	Phelan	Smith, Md.	Underwood
McCumber	Pittman	Smith, S. C.	Walsh, Mont.
McKellar	Pomerene	Spencer	Williams
McNary	Ransdell	Stanley	Wolcott

NOT VOTING—4.

Curtis	Fall	Gerry	Kendrick
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So Mr. KING's substitute was rejected.

The VICE PRESIDENT. The question now recurs on the reservation offered by the Senator from North Dakota [Mr. McCUMBER].

Mr. LODGE. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). Making the same announcement as on the previous vote, I withhold my vote.

Mr. KENDRICK (when his name was called). Making the same announcement with reference to my pair with the Senator from New Mexico [Mr. FALL], I withhold my vote.

The roll call was concluded.

Mr. BECKHAM (after having voted in the negative). Has the senior Senator from West Virginia [Mr. SUTHERLAND] voted?

The VICE PRESIDENT. He has not.

Mr. BECKHAM. I have a pair with that Senator and I withhold my vote.

The result was announced—yeas 54, nays 35, as follows:

YEAS—54.

Ball	Gore	McCormick	Reed
Borah	Gronna	McCumber	Shields
Brandagee	Hale	McLean	Smith, Ga.
Calder	Harding	McNary	Smoot
Capper	Johnson, Calif.	Moses	Spencer
Coff	Jones, Wash.	Myers	Sterling
Cummins	Kellogg	Nelson	Thomas
Dial	Kenyon	New	Townsend
Dillingham	Keyes	Newberry	Wadsworth
Edge	King	Norris	Walsh, Mass.
Elkins	Knox	Page	Warren
Fernald	La Follette	Penrose	Watson
France	Lenroot	Phipps	
Frelinghuysen	Lodge	Polindexter	

NAYS—35.

Ashurst	Hitchcock	Pittman	Smith, S. C.
Bankhead	Johnson, S. Dak.	Pomerene	Stanley
Chamberlain	Jones, N. Mex.	Ransdell	Swanson
Culberson	Kirby	Robinson	Trammell
Fletcher	McKellar	Sheppard	Underwood
Gay	Nugent	Sherman	Walsh, Mont.
Harris	Overman	Simmons	Williams
Harrison	Owen	Smith, Ariz.	Wolcott
Henderson	Phelan	Smith, Md.	

NOT VOTING—6.

Beckham	Fall	Kendrick	Sutherland
Curtis	Gerry		

So Mr. McCUMBER's reservation was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills:

S. 3319. An act to provide for the reimbursement of the United States for motive power, cars, and other equipment ordered for railroads and systems of transportation under Federal control, and for other purposes; and

S. 3332. An act authorizing the board of county commissioners of the county of Hartford, in the State of Connecticut, to construct a bridge across the Connecticut River between Windsor Locks and East Windsor, at Warehouse Point, in said county and State.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9821) to amend "An act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901," and for other purposes.

The message further announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 10453. An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, and for other purposes; and

H. J. Res. 249. Joint resolution to continue the control of imports of dyes and coal-tar products.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 425) to establish the Zion National Park in the State of Utah.

EMBARGO ON DYES AND COAL-TAR PRODUCTS.

Mr. PENROSE. Mr. President, there is a joint resolution on the Vice President's table which came over from the other House about half an hour since. I do not think there will be any discussion of or objection to it, and I ask unanimous consent, as in legislative session, that the Chair may lay the joint resolution before the Senate.

The VICE PRESIDENT. Is there objection?

Mr. HITCHCOCK. I should like to know what the joint resolution proposes.

Mr. PENROSE. It is relative to dyestuffs and is similar to the joint resolution which was before the Senate the other afternoon.

Mr. HITCHCOCK. I shall have to object to its consideration.

Mr. SIMMONS. I hope the Senator from Nebraska will not object. As amended, I think the joint resolution is wholly unobjectionable, and its passage, I think, is very important.

Mr. PENROSE. All objection to the joint resolution, I think, has been eliminated.

Mr. HITCHCOCK. Can it be passed without debate?

Mr. SIMMONS. I think so.

Mr. PENROSE. I think there will be no debate, as all opposition to the joint resolution has been allayed.

Mr. HITCHCOCK. If there will be no debate, I withdraw my objection to the consideration of the joint resolution.

The VICE PRESIDENT. There being no objection, the Chair lays before the Senate the joint resolution.

The joint resolution (H. J. Res. 249) to continue the control of imports of dyes and coal-tar products was read the first time by its title and the second time at length, as follows:

Resolved, etc., That notwithstanding the prior termination of the present war, the provisions of the trading-with-the-enemy act, approved October 6, 1917, and of any proclamation of the President, issued in pursuance thereof, which prohibit or control the importation into the United States of dyes or other products derived directly or indirectly from coal tar are continued until January 15, 1920.

Mr. PENROSE. Mr. President, I only want to say that this joint resolution is identical, word for word, with the joint resolution which has been reported unanimously from the Committee on Finance of the Senate and to which every Senator has agreed. It simply gives two months' protection—whether adequate or not I do not know—until permanent legislation on the subject may be passed.

Mr. SMOOT. Mr. President, all I desire to say is that I shall, if I can get an opportunity, vote "nay" upon this joint resolution. I shall not vote for a license system, even though I know that it is necessary to protect the dyestuffs industry.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. JONES of Washington. Mr. President, I wish to ask the Senator from Pennsylvania a question. There are several bills which are considered as emergency measures which have passed the House of Representatives relating to the tariff on particular items, such as magnesite, tungsten, and some other commodities. I desire to know what the disposition of the Committee on Finance is with reference to those measures?

Mr. PENROSE. Mr. President, the committee had a meeting some time ago and unanimously resolved that none of those bills should be taken up until the peace treaty shall have been disposed of. However, at the earnest request of people who were here in Washington and who desired to be heard in reference to some of these measures, a subcommittee of the Committee on Finance was appointed, which has been holding hearings and has completed them on zinc and tungsten.

Mr. JONES of Washington. What I desire to get at is, is it the disposition of the committee in the near future to take action upon these special bills that have passed the other House and to bring the matter before the Senate for consideration and action?

Mr. PENROSE. It is the purpose of the committee at the very earliest practicable moment to take up all these bills, including the one relating to magnesite, in a friendly spirit.

Mr. DIAL. Mr. President, the other evening I objected to the consideration of the joint resolution which was before the Senate in reference to this matter. The reason I did so was because of a telegram which I received and which reads as follows:

Grateful for your telegram. Very important for cotton-mill industry that foreign fast color dyes are admitted without further delay or hindrance. One cotton manufacturer has million and half dollars' shirting cloth requiring these dyes, unable to deliver without them; meanwhile many million dollars of these shirtings with fast dyes have been recently bought in England for importation to this country. Our print works has many thousand pieces held up for lack of fast colors. Will certainly lose its export trade in shirting unless permitted to secure dyes available to foreign competitors.

Mr. President, I have no objection to the resolution in the shape in which it is now presented, but I do want to vote to allow dyes to be imported into this country. I have had the matter up direct with the War Trade Board, and they have promised that they would allow such action. It is important to the cotton-mill industry that we get dyes immediately, and if they can not be manufactured in the United States they will have to be imported. Personally I wish this board could go out of existence and let the country get back to normal. I am perfectly willing to protect American industry to a reasonable extent, but if we can not manufacture dyes, then we should be allowed to import them as soon as possible.

Furthermore, I do not object to German importation, as some others do. If we expect Germany to get back on her feet, it will be necessary to begin to trade with her, and I want either that dyes be manufactured in this country or to have them imported right away in order to help the manufacturers of this country. Dyestuffs enter into the cost of clothing, and it is time that the price of clothing should come down.

I have no objection to the joint resolution being considered, but the reason I objected the other day was because of the statements in the telegram I have read and in a number of other messages I have received along the same line. Furthermore, I do not think that the board has been functioning as it should function.

The VICE PRESIDENT. The question is, Shall the joint resolution pass?

The joint resolution was passed.

The VICE PRESIDENT. Without objection, the joint resolution (S. J. Res. 125) to continue the control of imports of dyes and coal-tar products will be taken from the calendar and postponed indefinitely.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. McCUMBER. Mr. President, I offer an additional reservation, which is No. 4 of the reservations which I filed and had read several days ago. I will ask the Secretary to read it.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

That the United States understands and so construes the provisions of the covenant of the league of nations that when the case referred to the council or the assembly involves a dispute between one member of the league and another member whose self-governing dominions, colonies, or parts of empire are also represented in the body to which the case is referred, or involves a dispute between one member and any such dominion, colony, or part of empire, both the disputant members, including the dominion or principal country and all its said dominions, colonies, and parts of empire, are to be excluded from voting upon any phase of the dispute.

Mr. McCUMBER. Mr. President, if the Senators will turn to page 31 of the treaty of peace with Germany they will find the second amendment, known as the Moses amendment. That amendment was voted down, with the understanding that there would be a substitute or substitutes offered for it, so that we could meet the question of any country involved in a dispute having more votes than the other disputant member.

The amendment offered by the Senator from New Hampshire read as follows:

Whenever the case referred to the assembly involves a dispute between one member of the league and another member whose self-governing dominions or colonies or parts of empire are also represented in the assembly, neither the disputant members nor any of their said dominions, colonies, or parts of empire shall have a vote upon any phase of the question.

Mr. President, two objections were urged against this amendment. One was that it referred to cases in the assembly only, and it was claimed that a self-governing dominion might by some possibility become a member of the council, and that the amendment would not cover the council. While I believe that no self-governing dominion which is subject to some other member of the league could obtain a place in the council, I have taken care of that contingency by making the reservation include both the council and the assembly.

Another objection was that it referred to disputes only with the parent country itself and not to disputes with any of its dominions. Applying the case to Great Britain, for instance, it was held that if we might have a dispute with Great Britain the British Empire, under the amendment, would have but the one vote, but if our dispute was with Canada or Australia, then the rule would not apply. That contingency is taken care of in the latter portion of my reservation, which provides:

Both the disputant members, including the dominion or principal country and all its said dominions, colonies, and parts of empire, are to be excluded from voting upon any phase of the dispute.

I think that covers the question better than any other suggestion that has been presented thus far, as it covers both disputes with the dominant or parent country and with any one of its self-governing dominions, possessions, or parts of empire. I do not claim that it would cover those cases where there would be a dispute between two other members outside the British Empire, where any member of the assembly could have a vote. That should be taken care of by an entirely different reservation, which will be offered; and this, I desire to say, reaches only that one feature of the case.

Mr. HITCHCOCK. Mr. President, I think the reservation offered by the Senator from North Dakota expresses what is the real meaning of the league covenant, and I see no objection to its adoption.

Mr. McCUMBER. I think it does.

Mr. JOHNSON of California. Mr. President, I offer as a substitute the matter which I send to the desk.

The VICE PRESIDENT. The amendment, in the nature of a substitute, will be stated.

The SECRETARY. In lieu of the words proposed to be inserted by the Senator from North Dakota, as a separate reservation, it is proposed to insert the following:

The Senate of the United States advises and consents to the ratification of said treaty with the following reservations and conditions, anything in the covenant of the league of nations and the treaty to the contrary notwithstanding:

When any member of the league has or possesses self-governing dominions or colonies or parts of empire which are also members of the league the United States shall have representatives in the council and assembly and in any labor conference or organization under the league or treaty numerically equal to the aggregate number of representatives of such member of the league and its self-governing dominions and colonies and parts of empire in such council and assembly of the league and labor conference or organization under the league or treaty; and such representatives of the United States shall have the same powers and rights as the representatives of said member and its self-governing dominions or colonies or parts of empire; and upon all matters whatsoever, except where a party to a dispute, the United States shall have votes in the council and assembly and in any labor conference or organization under the league or treaty numerically equal to the aggregate vote to which any such member of the league and its self-governing dominions and colonies and parts of empire are entitled.

Whenever a case referred to the council or assembly involves a dispute between the United States and another member of the league whose self-governing dominions or colonies or parts of empire are also represented in the council or assembly, or between the United States and any dominion, colony, or part of any other member of the league, neither the disputant members nor any of their said dominions, colonies, or parts of empire shall have a vote upon any phase of the question.

Whenever the United States is a party to a dispute which is referred to the council or assembly, and can not, because a party, vote upon such dispute, any other member of the council or assembly having self-governing dominions or colonies or parts of empire also members, upon such dispute to which the United States is a party or upon any phase of the question, shall have and cast for itself and its self-governing dominions and colonies and parts of empire, all together, but one vote.

Mr. JOHNSON of California. Mr. President, the substitute which I offer speaks for itself. It is the third attempt which I have made in this body to obtain equal representation and equal voting power for our country with Great Britain. There is yet another opportunity to present the question, I presume; and I conceive it to be my duty, feeling as I do, and feeling as I do in respect to the disproportionate voting power and disproportionate representation which we are about to give as Americans to Great Britain, whenever occasion shall arise hereafter, and whenever the opportunity shall be presented, to present again to the Senate exactly this reservation and again have the subject matter determined.

I seek by this reservation not to correct one evil arising out of the voting power under the league of nations, but to correct all of the evils which arise from giving Britain six times the voting power which is accorded to the United States under the league of nations. It has been my fond hope—shattered, it is true, in the presentations which heretofore have been made—that the Senate would respond to an effort made here to give to our country the same representation as Great Britain in this league. But whether that hope has been shattered in the days that are past, or whether it may be shattered in the day or two to come upon this discussion, I am going to continue in my effort to obtain what I think is justice to our country, and to remedy what I think is an injustice to our Republic.

I listened yesterday to the very delightful presentation made by the Senator from Massachusetts upon the question of a Nation's honor. I confess it touched me, and it affected me, Mr. President. I do not, of course, claim to have any more or any other or any greater patriotic activities or patriotic inclinations, predilections, or feelings than any other man in this body; but the Lord has made all of us in different mold, Mr. President, some of us perhaps emotional, some of us perhaps seeing awry in our desire to protect our country, some of us without the true vision in regard to this league of nations, which, as the map we have just witnessed demonstrates, gives to another country an overwhelming and an overweening power in this

league. But seeing with that vision awry, seeing it as the Lord has given us to see, looking at this situation that confronts us as the poor faculties that we have enable us to look at it, there are some of us who think that the United States Senate ought to be engaged to-day not in doing what Lloyd-George said yesterday was the first duty of Great Britain to protect her own, but in protecting our own here in this land; and the object of this reservation I present to the Senate now is that all of those gentlemen who have been so earnest in saying to us that they want to remedy the wrong that has been done, but that they could not do it by amendment, may by reservation now remedy the wrong about which they have spoken in the past, and that they may have the opportunity by a reservation to justify not only their faith in their Nation, but their pride and their patriotism in their Nation.

I heard the Senator from Pennsylvania [Mr. KNOX] yesterday describe a treaty which he negotiated with England, a treaty wherein there were three representatives of Great Britain. How many of America? Three. Ah, Mr. President, the Senator from Pennsylvania was forgetful of that which we have learned in the last few days and the last few months in this assembly and his temerity ran riot. When he negotiated a treaty with Great Britain he dared take equal representation for his country with that powerful Empire! But, Mr. President, if at the time he negotiated that treaty he had come into the Senate of the United States and had said "I have negotiated this treaty, which shall determine certain questions with Great Britain, and in negotiating this treaty, my fellows, I have given to Great Britain six votes, to our country one vote," I suspect that there would not have been the halting hesitancy and the timid fear on the part of the Senate we now witness, but the United States Senate then would have said to him, "On what theory, sir, do you give to Great Britain, in determining questions which shall arise between Great Britain and this country, six times the power and six times the representation that you give to this country?" And I suspect, Mr. President, that if that had been done in the time that the Senator from Pennsylvania negotiated that treaty with Great Britain the Senate of the United States as one man would have risen and said, "Who is it on this earth that dares to say the United States of America is inferior and subordinate to any power and shall be granted, when it enters into a partnership or a treaty with any other power, only a sixth of the representation and a sixth of the voting power?" I suspect, Mr. President, that would have been the answer of the Senate of the United States in those days when the Senator from Pennsylvania negotiated his treaty with Great Britain.

To-day, Mr. President, we have fallen upon parlous times. To-day, Mr. President, although the words of Lloyd-George are echoing around the world even now, "Our first concern is our own," it is not, as it was in those days gone by, a matter of pride and of patriotism, a matter indeed to call for eulogy and encomium, to demand for our country equal voting power and equal representation; but to-day bow your heads, bend your backs; Great Britain, 6 votes in the league of nations; the United States, 1 vote in the league of nations. To-day the British Empire in the league of nations, 6 representatives, 18 representatives under one part of the covenant; the United States, 1 representative, or 3 representatives under a part of the covenant.

Under the labor provisions of that document the United States has 4 representatives, the Empire of Great Britain 24 representatives.

When, my friends, did we become so poor a nation that we were entitled to only one-sixth of the representation or the voting power of any nation on the face of the earth?

Oh, you may vote it down here if you will. You may say, if you want, as you have said heretofore, that Great Britain shall have six representatives and we have one; that Great Britain is entitled in our world partnership to six times the votes that we have and six times the representation. Say it if you will! I dare say to you that outside of this Chamber there are no Americans who say it, and, saving a very few, the only men in all this land to-day who insist that Great Britain shall have six times the power, six times the votes, and six times the representation of the United States of America are the Members of the United States Senate.

They may be right. They may, with a wider vision, see the greater power of Great Britain. They may, in an emotional internationalism, be perfectly clear that Great Britain in the league of nations should have six times our voting power and six times our representation. I admit they may be wholly right. But God has not given it to me to see that way. This yet is my country, and so far as my vote will permit it my country will

never be inferior or subordinate to any other country on the face of the earth, whether it is Great Britain or whether it is any other power.

I know the time for appeal has passed. I realize that no argument that I might make would have the slightest effect upon this reservation. I realize that aught I might say concerning this disproportionate voting power and this disproportionate representation will fall doubtless upon deaf ears. But now, when the opportunity comes, to-morrow if it comes again, the next day, the next year, the next decade, whenever it comes, as I see this, I shall insist and demand that the United States of America stands on an equality with even Great Britain and shall have equal power with any nation.

Mr. TOWNSEND. May I ask the Senator a question in my time? I am in such hearty sympathy with the sentiments of the Senator from California that I am wondering if I understand the last paragraph of the Senator's reservation. I understand that he has never presented it before in that form?

Mr. JOHNSON of California. Not in that form. That is correct.

Mr. TOWNSEND. It provides, as I understand it, that whenever the United States has a dispute, any other country having self-governing colonies shall have but one vote.

Mr. JOHNSON of California. Yes.

Mr. TOWNSEND. The Senator also provides, in the first part of his reservation, that the United States under all circumstances shall have as many votes on all questions as any other country. Would it not be possible under that last paragraph, where Great Britain, for instance, had a dispute to which the United States was not a party, for the United States to vote just as many votes as Great Britain would have had if she had not been a party?

Mr. JOHNSON of California. Do you mean if the United States is a party?

Mr. TOWNSEND. No; where the United States is not a party.

Mr. JOHNSON of California. We would have exactly the same votes that Great Britain would have under similar circumstances, neither having the right to vote in matters where they are disputants.

Mr. TOWNSEND. I have not made myself clear, I think.

Mr. JOHNSON of California. Perhaps I did not follow the Senator.

Mr. TOWNSEND. Suppose Great Britain has six votes, the Senator provides that the United States shall have six votes.

Mr. JOHNSON of California. Yes.

Mr. TOWNSEND. Where the United States is a party to a dispute and Great Britain is not, the Senator from California provides that Great Britain shall have but one vote.

Mr. JOHNSON of California. Yes.

Mr. TOWNSEND. Suppose Great Britain is a party to the dispute but the United States is not, do you not permit the United States to have six votes?

Mr. JOHNSON of California. I think not.

Mr. TOWNSEND. It seems to me that is the clear meaning of the reservation.

Mr. JOHNSON of California. No; that is not the purpose. The purpose is to give us equal representation under similar circumstances.

Mr. TOWNSEND. I feel that that was the purpose, but I am afraid that the last paragraph does not mean that. That is new, and I have not seen it before.

Mr. JOHNSON of California. The last paragraph was drawn for the purpose of eliminating the possibility of Great Britain, in a matter where we had a dispute, casting six votes.

Mr. TOWNSEND. But the Senator wanted to give Great Britain the same advantage the United States would have if the circumstances were reversed?

Mr. JOHNSON of California. Yes.

Mr. TOWNSEND. The Senator did not want the United States to have six votes in case Great Britain was a party.

Mr. KNOX. From my reading of the reservation I should say it means that if Great Britain is a party to a dispute with another nation—

Mr. TOWNSEND. Not the United States.

Mr. KNOX. No; another nation, not the United States. The United States has six votes. If the United States has a dispute with another nation, and not Great Britain, Great Britain has six votes. So they are exactly on a parity.

Mr. TOWNSEND. That is exactly what it does not say. It says they shall have one vote. If the Senator will read the last line of the last paragraph, he will see that is exactly what it amounts to. The United States can have six votes in a dispute to which it is not a party but to which Great Britain is a party,

but Great Britain can have but one vote in a case where the United States is one of the disputants and Great Britain is not. I could not believe the Senator wanted to have it that way.

Mr. JOHNSON of California. No; I do not think it is capable of that construction.

Mr. McCUMBER. Mr. President, if all the Senator stated with reference to the voting power of Great Britain were true, to which I do not agree, nevertheless the reservation which I have offered covers every possible dispute in which Great Britain is a party, whether it is a dispute with us or with anyone else, and she can have but one vote under this reservation.

In the other feature of the case, namely, where there would be a dispute between, say, Spain and Bulgaria, there is another reservation that is going to be offered under which the United States will not assume any obligation if Great Britain and all her dependencies exercise the right to cast more than one vote. So we cover it from every standpoint and protect not only the United States but protect every other country; whereas under the reservation offered by the Senator from California each of the other nations would, of course, demand an equal 6 votes; and if there were 40 of them there would be 240 votes to be cast. I think we will meet this question fairly, in a way that will meet every objection that has been made by the Senator from California, and at the same time we will not kick Canada or Australia out of the league of nations.

Mr. JOHNSON of California. We specifically do not kick Canada or the colonies of Great Britain out of the league by this reservation. We preserve our rights. In the reservation which has been offered by the Senator from North Dakota he never touches the question of representation at all, which is one of the important questions to be touched by any reservation in reference to the voting power or membership in the league. When the Senator says that we kick these colonies out of the league, he is utterly and absolutely in error, because we do nothing of the sort. Under the reservation we simply give equal representation to our country with the Empire of Great Britain; and I can not say that often enough.

Mr. COLT. Mr. President, what I have said before upon the former amendment of the Senator from California [Mr. JOHNSON] I simply wish to repeat in a word, as it applies equally to his present reservation. Agreeing with all that the Senator has said on the question of inequality, this reservation, it seems to me, is absolutely impracticable and nonenforceable. There are 27 nations who have joined in this treaty. Great Britain has six votes, with her self-governing colonies and dominions. Under the Johnson reservation we have six votes. That leaves 25 nations with one vote each. Our instrument of ratification has to be submitted to all of these powers. We must view this covenant from the standpoint of an association of nations, not from the standpoint of Great Britain and the United States alone. It is inconceivable that the other great powers—France, Italy, Japan, and other nations—will enter into any covenant in which the United States has six votes, without any self-governing colonies or dominions. To my mind it means the destruction of the treaty and its nonacceptance by the other powers, because the other powers will never accept this reservation. It is impossible to apply this reservation to the covenant as it is now written without changing it in all of its parts, changing it fundamentally, from membership voting to some other kind of voting.

Therefore, I hold that this reservation practically is an impossible proposition—and we have to look at the proposition from that standpoint—because it will never be accepted by the other nations and could not be applied to the present covenant.

Mr. REED. Mr. President, continuing the remarks of the Senator from Rhode Island [Mr. COLT], the other nations will accept the league if Great Britain has six votes; but if the United States ventures to claim six votes the other nations will reject the league. Hence the United States must waive its rights in the interest of Great Britain and go into the league with its hands tied and with Great Britain the dominant power. And this we must do because if we do otherwise we might have to change the instrument or even send it back for ratification. The importance of having—

Mr. COLT. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Rhode Island?

Mr. REED. In a moment. The importance of having this instrument is so much greater than the importance of the interests of the United States that we must sacrifice our country upon the altar of this treacherous scheme.

Mr. COLT. Mr. President, I intended to say, before I sat down, that I believe this inequality can only be cured by the reservation which has been offered by the Senator from Wisconsin [Mr. LENROOT], the terms of which we all know.

Mr. REED. Mr. President, I want to point in just a word to the great group of questions that are not covered by the reservation offered by the Senator from North Dakota [Mr. McCUMBER], and I do not know that they are covered fully even by the reservation offered by the Senator from California [Mr. JOHNSON], but of that I am not certain.

The reservation offered by the Senator from North Dakota provides that in case of a dispute, when the case is referred to the council or the assembly, and the dispute is between one member of the league and another member whose self-governing dominions, colonies, and so forth—

are also represented in the body to which the case is referred, or involves a dispute between one member and any such dominion, colony, or part of empire, both the disputant members, including the dominion or principal country and all its said dominions, colonies, and parts of empire are to be excluded from voting upon any phase of the dispute.

As I understand that, it means that in case Great Britain is a party to a dispute, all of her dominions shall be excluded from voting in that dispute. That is the meaning, in a word, if I get it. If I am wrong, I wish the Senator would correct me.

Mr. McCUMBER. That is half the meaning.

Mr. REED. What is the other half?

Mr. McCUMBER. The other half is that if there is a dispute with any one of the colonies, it is a dispute with all.

Mr. REED. Let us see where that leads us.

Mr. McCUMBER. I stated that the other question of a dispute between nations, in which neither Great Britain nor any of her colonies is a party, is to be covered by a separate reservation.

Mr. REED. But that leaves us—if there be 10,000 disputes and Great Britain and her colonies are a party to only one dispute the rule would apply in that one dispute and her colonies could not vote in case Great Britain was concerned and Great Britain could not vote nor any of the colonies in case one of the colonies was concerned. But so far as this rule is concerned, in all other disputes all of the colonies would be represented and the Empire would be represented. The Senator says he proposes another reservation covering disputes between other nations. I have not seen that reservation, and while my time is very precious, I wish the Senator would refer me to it.

Mr. McCUMBER. It is the last one on page 4 of my proposed reservations, commencing with line 11.

Mr. JONES of Washington. If the Senator from Missouri will permit me, I will read it in my own time for him.

Mr. REED. Very well. I will sit down and yield the floor, if I can do that, and allow the Senator to read it.

Mr. JONES of Washington. It is No. 9, presented by the Senator from North Dakota [Mr. McCUMBER] as an amendment to the reservation intended to be proposed by the Senator from Wisconsin [Mr. LENROOT]. Substitute for the said proposed amendment the following:

The United States reserves the right, upon the submission of any dispute to the council or the assembly, to object to any member and its self-governing dominions, dependencies, or possessions having in the aggregate more than one vote; and in case such objection is made the United States assumes no obligation to be bound by any election, finding, or decision in which such member and its said dominions, dependencies, and possessions have in the aggregate cast more than one vote.

Mr. REED. I thank the Senator. That reserves to us a right of objection, I think. I have heard the words for the first time, and my opinion is very hastily formed.

Now, what are you going to do with this sort of a case? We have a question come up that does not involve a dispute at all between two nations, but involves, first, an election of four new members of the council. When that election comes on the United States is interested in the election of certain members of the council and Great Britain is interested in electing certain other members of the council. Great Britain in that election will cast 6 votes against the single vote of the United States, and where is the man to say that is covered by these reservations? Yet that goes to the very organization of the body that is to control the world. That is one illustration; but, sir, there will come up a multitude of questions.

Suppose this body shall undertake now to settle the question of what are to be the ultimate destinies of this territory that has recently been taken over under mandatory? Suppose that it involves the whole east coast of Africa that Great Britain has recently taken? That is not a dispute between nations within the meaning of the reservation. When that question comes up for consideration the United States may believe that those countries should be permitted to set up a government of their own, or may believe that the mandate should be extended or that it should be limited. Great Britain may desire them for herself or may advocate any other policy contrary to the policy and wish of the United States. In that question, which involves a tremendous stretch of territory and may concern trade relations of a most vital character, Great Britain casts her 6 votes and the United States casts her 1 vote.

Again, the islands of the sea have been taken over and will ultimately become the controlling factors, first in the trade of the world and finally in the dominance of the seas in time of war. That question may come up for settlement. It is not a dispute between two nations within the meaning of this reservation. It is a question of world diplomacy and it concerns a matter that is within the authority and jurisdiction of the league by express language. Great Britain desires to obtain dominance and control over certain of those islands and to establish policies which will be beneficial to her. The United States has a view that is favorable to our country or more favorable to the world. When that question comes up Great Britain casts her 6 votes and the United States casts 1 vote.

Mr. President, you can not cure this by any such reservation. The reservation is a benefit as far as it goes, but it does not go far enough. It is mining at a thing and we are playing mice beneath the great table of Great Britain, crawling about and trying to save a crumb here and a crumb there, instead of rising in the spirit of the past and demanding that we shall travel the highway of the future the equal of any other nation.

I should like to discuss this question, but time forbids. Enough is said when I conclude my remarks with the assertion that many prominent English statesmen and many prominent English publicists have admitted the injustice of Great Britain's position and have admitted that the States of the United States, the great States, might as well ask representation for themselves as Great Britain for her colonies, and with those admissions, and with the admission of one of the foremost English publicists, that the construction which I stated upon this treaty some months ago is correct and that it ought to be rectified in the interest of justice, we find the United States Senate still sitting here and, instead of adopting a drastic reservation as we were promised would be adopted when the amendment was defeated and defeated upon the express ground that a drastic reservation would be adopted, I am afraid that there will be an attempt to defeat the reservation of the Senator from California which does go far toward rectifying the evil.

Mr. KNOX. Mr. President, I can very well understand an honest, legitimate, and conscientious difference of opinion upon almost any other feature of the treaty than the one that is raised by the reservation offered by the Senator from California [Mr. JOHNSON.] I am constrained to put my observations in the shortest space possible, because I want to reserve some time to discuss a reservation that I have myself offered. I think that the least important things that this reservation touches are contentious questions between the United States and Great Britain—or between the United States and any other power, for that matter—for, so far as disputes between the United States and Great Britain are concerned, neither the United States nor Great Britain, under the terms of this reservation, will be entitled to a vote.

But when you recall that the league of nations has jurisdiction over the earth and over all questions that affect the peace and welfare of the earth, you can imagine thousands of questions of a noncontentious character the policy involved in which may be of vital consequence to the United States; and the impropriety of having her sitting bound, with only 1 vote, with the greatest empire outside of ourselves with 6 votes, you are conceding a proposition that to me it seems impossible for any patriotic American citizen to consider with patience.

We do not have to be parties to a dispute to be vitally interested in that dispute. The principle that is involved may affect us more immediately, more directly, and more completely than the actual parties to what I might call the litigation. So I consider the great virtue of this reservation is that in questions of that character—and there will be hundreds of them where there are single ones of actual dispute between nations—it takes care of the interests, the rights, and the dignity of the United States.

Mr. PHELAN. Mr. President, I have but a few minutes' time left of my allotment, and I would have preferred to have heard the Senator from Wisconsin [Mr. LENROOT]. However, I desire to say that my inclination has been to support the league of nations covenant; but I have long come to the conclusion that it will be necessary in this particular matter to vote for a reservation. I looked with favor upon the reservation proposed by the Senator from Wisconsin until he stated in an address the other day that it did not cover the ground, and that therefore he was obliged to support the reservation proposed by the junior Senator from California [Mr. JOHNSON]. On investigating, then, the defect of the Lenroot amendment, which the Senator from Wisconsin himself can explain, I came to the conclusion that it would be necessary to support the amendment proposed by my colleague.

There is not only a question here of power, which has been ably discussed by Senators, but there is a question of prestige. Great Britain and the United States are commercial rivals, and I can well understand the smaller nations of the world, say, of South America, looking with awe and reverence and possibly giving preference in trade to the nation which in the assembly of the league would have six votes with which to assist them in any dispute in which they might be engaged. We can not afford to allow the prestige of the United States to fall in the eyes of the smaller nations of the world. So it is not only a question of power but it is a question of prestige.

I was also disposed to believe that Canada and Australia and New Zealand would be helpful to us in the settlement of many Pacific problems, and therefore I am glad that they are allowed to remain in the league under the amendment proposed by my colleague, and are not eliminated. That reservation simply provides that the United States shall have an equal number of votes with Great Britain. I would have much preferred to have seen Great Britain as an empire voting as a unit, consulting with her colonies, members of the league, to determine by such conference the manner in which the one vote of Great Britain and her colonies should be cast, but that is impracticable now, because it would involve an amendment. I say I looked with favor upon taking Australia and Canada and New Zealand into the league, because I thought they better understood our Pacific problems, if you please, than did the mother country. However, I have here a letter which shows a certain degree of bias, which is new to me, from the leading publicist of Australia, which was furnished to me in a private letter from a gentleman high in authority in the State of California, and therefore I do not give the name of the publicist. He says:

The anti-American feeling is almost as bad here now as it was during the war. I think that the trouble lies in the fact that we are afraid of America commercially and financially and show it in the stupid manner usual to crowds. I now believe that the only thing likely to make Australians regard America with friendly eyes is trouble with Japan. This seems to me to be getting nearer and people here believe it also. They imagine though that it will be possible for Australia to remain neutral in a struggle between Japan and the United States, and rather welcome it, hoping that thereby both will be weakened and Great Britain will as a result win back the commercial and financial supremacy of the world. Imagine such hopes when the Asiatics are at our very doors!

That is merely a straw, though it comes from eminent authority, but it shows that the colonies will ally themselves with the mother country in seeking to recover the trade of the world; and it is only natural. Therefore we should not give them greater voting power; we should not facilitate them in destroying the American supremacy. It will be utterly idle and foolish to do so. As the Premier of Great Britain truly said yesterday, and which we all appreciate, a man's first duty is to his own country.

Mr. JOHNSON of California. Mr. President, I shall detain the Senate but a moment. In a sentence I wish to answer, if I can, the distinguished Senator from Rhode Island [Mr. COIT].

The objection of the Senator from Rhode Island to this reservation is that it is impracticable. It is impracticable, Mr. President, to give the United States six votes or six representatives, but it is entirely practicable to give Great Britain six votes or six representatives. It would be a terrible thing—oh, we can all see the evil consequences—if we, as well as Great Britain, had six votes and six representatives.

Then, again, for another reason, the Senator says it is impracticable. "Think of the other nations involved!" he exclaims. I heard it said here the other day in the Senate that it was an insult to France and to Japan and to Italy and to Spain for the United States to ask six votes or six representatives in the league of nations. That statement was made on the floor of the United States Senate. The argument of the Senator from Rhode Island is on a parity with it—that it is an insult to France and to Italy and to Japan for the United States to ask six votes. Good God, does not an American ever think that it is an insult to America to give Great Britain six votes and the United States but one? If we take six votes we insult France and Italy and Japan, it is asserted. If Great Britain takes six votes it is an honor we should appreciate!

Mr. President, as I earnestly as I can, let me say to my brethren upon the other side that there is going to be adopted a reservation upon this question. That goes without saying, my friends. Therefore I ask you what kind of a reservation do you want? Do you want a reservation that does not give you equal voting power and equal representation; that has in it all the ills that are at present existent in the covenant; or do you want equal voting power and equal representation? There is going to be, I repeat—and I think I do not speak inadvisedly in prophesy—a reservation adopted. Now, what will you have? The question we are up against is just this—and I put it to your gentlemen on the other side—do you believe your country should

have equal voting power and equal representation with Great Britain? No existing reservation preserves either equal voting power or gives equal representation to the United States. They may protect you subsequently by saying that ultimately you may repudiate the action; but the action will have been taken at the time of your repudiation, and it will have been taken by six representatives of Great Britain and one of ours. So I say, as the last word, the question is, Do you believe that your country should have the same voting power and the same representation as the Empire of Great Britain?

Mr. BORAH. Mr. President, as I understand the parliamentary situation, the Senator from North Dakota [Mr. McCUMBER] has offered a reservation, for which the Senator from California [Mr. JOHNSON] has offered a substitute. I have not the time to discuss, nor do I think it is necessary to discuss, the subject matter in detail; it has been discussed heretofore, and we all understand it well, but the reservation of the Senator from North Dakota does not touch the vitals of this question at all. It only applies where there is a dispute submitted to the council. It reads:

The United States reserves the right, upon the submission of any dispute to the council or the assembly, to object to any member and its self-governing dominions, dependencies, or possessions having in the aggregate more than one vote, and in case such objection is made the United States assumes no obligation to be bound by any election, finding, or decision in which such member and its said dominions, dependencies, and possessions have in the aggregate cast more than one vote.

Mr. President, the most vital and important things which will be achieved under the league, if it is brought into existence, will not be in the way of settling disputes at all. Very few disputes will ever be submitted to the council; they will be settled before they rise to the dignity of being disputes, and especially will that be true if Great Britain is permitted to control the council and to control the assembly. A question will never arise to the dignity of a dispute if those who are in absolute control may shape the policies before the time for a dispute arises. For that reason this reservation does not touch the most important part of this question at all.

"The council shall consist of representatives of the" United States of America, of the British Empire, of France, of Italy, and of Japan, "together with representatives of four other members of the league. These four members of the league shall be elected by the assembly from time to time in its discretion."

The assembly elects the additional members of the league, and in the assembly, notwithstanding the reservation of the Senator from North Dakota, the 6 votes of Great Britain will remain and remain uncontrolled and undirected, and the power which will direct the governing body of this league will have in it a representation composed of one member from the United States and six from Great Britain. The Senator from North Dakota does not propose to change that at all. If you give the assembly control of the membership, the power to select and to elect the members of the council or the members who may constitute the council, it will be of very little service to the United States to have a reservation to the effect that disputes shall be protected by equal votes.

Furthermore, Mr. President, it will be observed that this is one of the clauses in which less than unanimous consent is necessary in order to elect. I also call attention to article 5, which provides:

All matters of procedure at meetings of the assembly or of the council, including the appointment of committees to investigate particular matters, shall be regulated by the assembly or by the council—

By the body of delegates or by the executive council—

and may be decided by a majority of the members of the league represented at the meeting.

The Senator from North Dakota does not propose to remedy that; and yet the appointment, under article 5, of the investigating committees which will take up and consider and present either to the council or the assembly or to the world the vital questions coming before this body or any different bodies of the league may be controlled and directed by a mere majority vote, and of that majority Great Britain will have six and the United States one.

The fountain source of authority the Senator from North Dakota does not touch. He leaves Great Britain to direct the affairs of the league as completely with the reservation as she would without the reservation.

Mr. McCUMBER. Mr. President, I think it fair to the Senate and to the Senator to say that the reservation which he read was not the reservation which I have offered at all.

Mr. BORAH. The reservation I read is the reservation which is in the printed leaflet as offered by the Senator from North Dakota. Has the Senator his reservation there?

Mr. McCUMBER. It is a different one.

Mr. BORAH. Let me have it as it has been presented. I will read it, but I apprehend that it has not been improved in respect to matters of which I have spoken. [Reading:]

That the United States understands and so construes the provisions of the covenant of the league of nations that when the case referred to the council or the assembly involves a dispute between one member of the league and another member whose self-governing dominions, colonies, or parts of empire are also represented in the body to which the case is referred, or involves a dispute between one member and any such dominion, colony, or part of empire, both the disputant members, including the dominion or principal country and all its said dominions, colonies, and parts of empire, are to be excluded from voting upon any phase of the dispute.

That does not change the proposition one particle. The Senator's reservation depends for its life entirely upon the question of there being a dispute. He does not touch the question of electing the membership, of controlling the membership, either of the assembly or of the council or of the league. He leaves Great Britain absolutely to control both these bodies as completely as he did under the reservation which he first offered. Upon the point I make there is no difference in the two reservations in the practical working.

Mr. LENROOT. Mr. President, the difficulty of the pending proposition is that it is not a reservation at all. It is an amendment. The distinguished Senator from California [Mr. JOHNSON] seems to be of the opinion that an amendment may be transformed into a reservation by changing its title; but the Senator from California about 10 days ago, when this same matter was up, made the statement that full equality between the British Empire and the United States could not be insured by any reservation, and he was correct, and that was why I voted for his amendment, because it did cover some things that could not be covered by any reservation. While this is denominated a "reservation," it is really an amendment; and I do not propose to inject into the series of reservations what is really an amendment, especially as the Senator from California will have another opportunity, when we go from the Committee of the Whole into the Senate, to offer this very proposition as an amendment.

I am sure that the distinction between reservations and amendments must be clear to the Senate. An amendment may have the effect of a reservation. Illustrative of that are most of what are known as the Fall amendments, the effect of which was wholly as reservations, because they merely took the United States out of that portion of the treaty. An illustration of an amendment was, for instance, inserting the word "China" for "Japan." Does the Senator from California say that we could properly accomplish by a reservation the transference of Shantung from Japan to China?

This so-called reservation is not a reservation at all, but is an amendment, because it increases the number of votes that the United States shall have under the treaty; it changes the terms of the treaty; it affects all of the parties to the treaty; while a reservation merely amounts to a ratification in part, and says that the United States by reservation does not agree to this part or that part or the other part of the treaty. No reservation, however, can properly in any way affect the terms of the treaty so far as granting to the United States additional rights is concerned or changing the rights of the parties. So that this so-called reservation has no business here, because it is not a reservation; and the Senator will have an opportunity before the day is over, I hope, to offer this very proposition as an amendment, where it belongs.

Upon the merits of the matter I am not going to say any more than this: I stated the other day that the Senator's amendment did cover some things that my reservation did not, and that, in my judgment, no reservation could cover, and also that it did not cover some things of the most vital interest to the United States that the reservation did cover. The pending amendment, denominated a reservation, does protect the United States, if adopted, in two classes of disputes, but it still leaves the United States unprotected in a third class of disputes. It protects the United States where the United States and the British Empire are parties; it protects the United States where the United States is a party to a dispute with some nation other than the British Empire, although, as the Senator from Michigan stated, even in that event it would give to the British Empire 1 vote, apparently, where the United States was a party, but would give to the United States 6 votes where the British Empire was a party. But take the case of a dispute between China and Japan, for instance, or between Bulgaria and Greece. Under this amendment of the Senator from California, the British Empire would have 6 votes, and the United States would still have 1 vote, and that defect is not cured; while the reservation that I shall offer, if this substitute is defeated, provides that—

The United States assumes no obligation to be bound by any decision, report, or finding of the council or assembly in which any member of the league and its self-governing dominions, colonies, or parts of empire in the aggregate have cast more than one vote, and assumes no obligation to be bound by any decision, report, or finding of the council or assembly arising out of any dispute between the United States and any member of the league if such member, or any self-governing dominion, colony, empire, or part of empire united with it politically has voted.

In other words, the United States will not be bound by anything done by this league of nations wherever the British Empire and all its colonies have cast in the aggregate more than one vote; nor will it be bound by anything that may be done, where we are parties to a dispute with them, where any of them have voted at all.

Mr. THOMAS. Mr. President, I shall support the reservation offered by the Senator from North Dakota. My reasons were stated at some length earlier in this discussion. I am not at all convinced that the disproportion of 6 votes to 1 will exist in this league if the treaty shall be adopted and the league become effective, as has been so frequently stated and reiterated upon this floor.

Mr. President, much of the apprehension voiced upon this floor with regard to the practical working of the league through the disproportion claimed rests upon the assumption of an irreconcilable antagonism between the interests of the British Empire and those of the United States and that such antagonism will be powerfully promoted, to our undoing, by this preponderant arrangement. In my judgment very few disputes will arise or differences obtain wherein the interests of the dominions of Great Britain or of the British Government itself will differ very materially from our own; and I am sure that as to all matters affecting the Western Hemisphere the interests and the policy of the Canadian Dominion and of New Zealand and Australia will be practically identical with ours. We can conceive of possible differences arising between the United States and some oriental power, but it is impossible to conceive that they should eventuate upon any other than issues which affect the whole Western Hemisphere in common with the Australasian Dominions. Let me add that if Great Britain were disposed to be captious she might with a consistency fully equal to our own point her finger at the fact that the United States could, if she would, control the votes of four of her own dependencies—for that is what they are—and by that means counterbalance any disproportion charged against her in the balance of the league.

Cuba is protected by the United States. Panama is an offspring of this country, and not a very creditable offspring at that. The Governments of Guatemala and Haiti rest upon the bayonets of the United States marines, whose withdrawal would be followed by their collapse. Now, I do not for a moment admit that the United States would even indirectly seek to utilize the influence that it thus possesses; but I can well understand how in this conflict between the nations the charge could be made, and justly made, that here, too, is a potential disproportion, the balance swinging in favor of the United States and against the other members of the league. If the Government of the United States or that of any of the other allied and associated powers were possessed of independent dominions, like those owing allegiance to the British Crown, there is no question but that the same representation would be given them. But, Mr. President, England is the only colonizing country so mindful of her own welfare and that of her dependencies as to give them that independent status which requires all nations to recognize their status as independent communities.

Mr. McCORMICK. Mr. President, will the Senator yield for a single question?

Mr. THOMAS. I would yield if I had the time, but under the circumstances I am obliged to decline.

Much has been said here, too, about England's supremacy upon the seas. She has it, and it is well for civilization in the recent crisis which it has confronted that she had and maintained that supremacy, for without the British fleet we to-day might be subject to the German Empire, and surely without it the Allies could not have held out against the fearful power of Germany until America came to the rescue and finally determined the struggle. In these times when we are so critical of our associates we should scarcely overlook the tremendous services to civilization and to the world which the great Empire of Great Britain furnished in that supreme moment of the world's history, when the liberties of mankind were trembling in the balance.

Nor should we overlook the equally important fact that the British fleet was for years the chief bulwark of the Monroe doctrine. England's approval of that policy was manifest at its announcement, through the period of its struggling growth toward adolescence, and in the days of its full fruition. She sometimes disregarded it when her own affairs were involved,

which I do not defend, but she never challenged our right to exercise it.

Mr. President, let me say, before I resume my seat, that my experience in this open executive session has cured me completely of my former advocacy of them while considering treaties, for we have upon this floor openly and frequently spoken in terms of contempt and bitter criticism, sometimes of denunciation, of nearly all of the other great countries of the world; so flagrantly, Mr. President, that if conditions were reversed and the same practice had manifested itself toward us upon the floor of the House of Commons, or in the French Chamber of Deputies, or in the Japanese Parliament, this body would have been the first to have denounced and resented it.

Such conduct, Mr. President, is not becoming in a dignified body like this. It partakes little of that consideration which great and friendly nations should manifest toward each other. No good can come from it; much injury may result. It would have been far better, in my judgment, had our consideration of the treaty been behind closed doors. Our fathers were far wiser than we sometimes think. The safeguards which they erected for the due operation of the machinery of representative government are the best that could have been devised. Experience has nearly always demonstrated their efficiency, and we can not depart from them with safety or decorum.

I shall vote, Mr. President, for the reservation offered by the Senator from North Dakota [Mr. McCUMBER]. It covers the situation fully, furnishes ample protection against any possible emergency that may arise, offends no one, and meets every contingency which may overtake the operation of the league.

Mr. JOHNSON of California. Mr. President, I can not permit to remain unchallenged the remarks of the Senator from Wisconsin [Mr. LENROOT]. He is wholly in error in his conception of the possibilities or the extent of the reservation which I have offered. He insisted that it did not cover a particular case that he related.

I will not go into details now because of the lack of time and opportunity. But I call to the attention of those who are interested in it, first, that in the very beginning of this reservation it contains the clause "anything in the covenant of the league of nations and the treaty to the contrary notwithstanding," and then follows our right to equal representation and voting power. Then, upon the second page, it provides as well:

Except when a party to a dispute, the United States shall have votes in the council and the assembly and in any labor conference or organization under the league or treaty numerically equal to the aggregate vote to which any such member of the league and its self-governing dominions and colonies or parts of empire are entitled.

Thus answering completely what was said by the Senator from Wisconsin concerning its ineffectiveness in the case that he illustrated.

I am not wholly able to understand the position of the Senator from Wisconsin. Perhaps that is a matter entirely of indifference. He made two speeches against two amendments that I offered, and he voted for the amendment in each instance. If I were able to construe the speech he has just made in opposition to the reservation and his vote were to be the same, I would not have any quarrel with him, nor would I, indeed, say aught more concerning it, because, after all, I take it that the vote that a Senator casts is the controlling factor and is the thing which is to be most desired in the case of an amendment so important as is this particular amendment.

Mr. LENROOT. Mr. President, evidently the distinguished Senator from California, after he concluded his speech the other day, did me the honor of listening only to a very small portion of mine. Of that I do not complain. Therefore the Senator from California did not understand the argument that I made at that time, showing wherein the United States was not protected in the respect that he insisted it was protected, and also showing wherein his amendment did give the United States a voting power where reservations could not—and I plainly stated that I voted for it because of that fact—and I am surprised that the Senator from California should get up now, without either hearing the speech or reading it—and he could not have done either to have made the statement that he did—and make the statement that he has just now made.

I have been perfectly consistent, Mr. President, in voting for his amendment, and perfectly consistent in showing—as, I think, I showed to the satisfaction of the Senate—that his amendment did not protect the United States in important particulars. As a corroboration of that, since that speech was made the Senator from California himself has changed his amendment to meet one of the objections that I then made.

Mr. JOHNSON of California. Is the Senator for or against the reservation now?

Mr. LENROOT. I am against this reservation; but I want to say to the Senator that if he will offer it in the Senate again, I will vote for it as an amendment, as I did before. But I do not propose with my vote to inject amendments into reservations, because they are not reservations.

Now, I want to say another word. The Senator from California asserts that I was entirely mistaken when I said that in one class of cases his amendment would not protect the United States. He read me the amendment wherein the United States is to have a vote equal to that of any other member having self-governing colonies. Does the Senator from California insist, then, that where the United States is a party to the dispute it shall vote?

Mr. JOHNSON of California. Of course not.

Mr. LENROOT. Of course not.

Mr. JOHNSON of California. The Senator from Wisconsin knows that full well. I have said it again and again and again and again.

Mr. LENROOT. Very well. But a little later, where the treaty says that the United States shall not vote because it is not one of the "other members of the league," the Senator from California then insists that we will vote.

Mr. JOHNSON of California. Because we specifically provide in this reservation that we shall vote.

Mr. LENROOT. Only where we had a vote, because otherwise the Senator from California must have the United States voting where it is a party to the dispute.

Mr. JOHNSON of California. By no means. We are given the right to vote when not a party to the dispute, exactly as Great Britain is given the right to vote.

Mr. LENROOT. I am sorry the Senator from California can not see what I am sure every other Senator must see, that we are given an equal number of votes with Great Britain only where we are entitled to vote. Does the Senator concede that?

Mr. JOHNSON of California. The reservation gives us the right—

Mr. LENROOT. Does the Senator concede that?

Mr. JOHNSON of California. Oh, no, no.

Mr. LENROOT. Mr. President, I am speaking now in my own time—

Mr. JOHNSON of California. If the Senator is going to ask questions of me in his own way, he is going to get answers in my way.

Mr. LENROOT. Very well. I asked the Senator a courteous question. He may reply or not, as he chooses. The Senator must take the position either that the United States has a vote when it is a party to the dispute or it has no vote whenever the treaty says it shall have no vote. Which is the correct construction? In that case the United States has only 1 vote as a member of the council in the case of a dispute between Bulgaria and Greece.

Mr. JOHNSON of California. Mr. President, I can only reiterate that under the terms of the reservation that is absolutely without foundation. The difficulty with the Senator is that—

He could distinguish and divide
A hair 'twixt south and southwest side—

and he has been indulging in that kind of argument.

Mr. TOWNSEND. Mr. President, a parliamentary inquiry. Is it in order to divide a reservation, if the question is divisible?

The VICE PRESIDENT. The Chair thinks that if it is a divisible question, it can be divided.

Mr. TOWNSEND. Mr. President, I am so much in favor of the principles outlined by the Senator from California [Mr. JOHNSON] that I wish to vote for the first part of his reservation; but I am satisfied that the last eight lines present a situation which is absolutely untenable. What we are trying to do is to put the United States on an equality with the most favored nation in the league. I think his reservation does that generally. But the last paragraph makes a provision whereby the United States will have a preference and an advantage over the most favored nation in the league under certain circumstances; that is, where the United States is a party and Great Britain is not, Great Britain has but 1 vote. But reverse it; if Great Britain is a party and the United States is not, then the United States may have 6 votes.

Mr. JOHNSON of California. No; it says the same number.

Mr. TOWNSEND. The same number as Great Britain is 6 votes. In order that we may vote for the first part of this reservation, I am asking for a vote on all the reservation except the last paragraph.

Mr. REED. Mr. President, I referred a moment ago to a letter of a distinguished Englishman. I have it now, and I would like to read an extract from it. This is a copy of the letter. The name of the author of the letter is withheld, but

it is sent to me in a letter by Judge John D. Lawson, formerly a Canadian, who was for many years the dean of the Missouri State University Law School, and who is a distinguished author of textbooks on various branches of the law. He states to me his reasons for not giving the name of the author of the letter, but says:

The writer is a man of title, a former governor of an English colony, and an international lawyer and writer of distinction.

I now quote from that gentleman's letter:

We in England have recognized that Canada, Australia, New Zealand, South Africa, and India are nations in partnership and not in subjection to England. I think America might do the same whilst claiming for herself 5 votes as representing the Eastern, Southern, Western, Middle Western, and the old mission States, or any other division you like to make, but don't, I entreat you, disfranchise Australia or Canada whilst giving Haiti a vote.

There is much more of the letter of great interest, in which he discusses the humiliation it would put upon Australia to be denied a vote while a vote is given to the inferior States of the world. I offer it because it shows the British view, at least the view of this one great Englishman, who recognizes the justice of America having a vote equal to the vote of the British Empire.

The other matter I want to put in is the statement of the editor of the London Daily News, which reads in part:

Mr. Gardiner indorsed Senator REED's contention that as the covenant is now drafted, in case of an Anglo-American dispute, Britain would be able to cast more votes than America.

In the rest of the article he admits the justice of that contention, and that the wrong ought to be rectified. I ask leave to put that in without read the entire article.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

LONDON, September 27.

Admitting that the present draft of the league of nations covenant now empowers the Empire to outvote the United States, A. G. Gardiner, editor of the London Daily News, to-day advocated an amendment stipulating expressly that when one section of Great Britain be involved in a matter, all other sections be prevented from voting.

Mr. Gardiner indorsed Senator REED's contention that as the covenant is now drafted, in case of an Anglo-American dispute, Britain would be able to cast more votes than America.

The editor is one of the strongest of British proponents of the league of nations and has been a staunch supporter of President Wilson.

SAYS BRITAIN WOULD AGREE TO CHANGE.

"If asked to accept such an amendment I am sure the British people willingly would do so," Gardiner said. "The spirit of the covenant certainly contemplates the British Empire as a unit. But it forgets to specify this, probably because the omission never came to the attention of the peace conferees. Now that the issue has been raised, however, it will not be difficult to make the wording conform to the spirit and to eliminate America's cause for fear. Perhaps the wording could be changed without resubmitting the covenant to the nations concerned if Great Britain, as the interested party, would request the change."

"Although the intention of the conferees obviously was not to give the British Empire more votes than the United States, the text of the covenant justifies Senator REED's assertion. He believes that in case of a dispute between the United States and one section of the Empire the other section would be sitting in judgment on the matter. Personally I think it is debatable how much the scale would be loaded. I readily understand the American concern in the matter and recognize it is a real objection which should be met; perhaps the best way would be to insert a ruling in the covenant specifically covering this exigency."

Mr. REED. So, Mr. President, I can only take a second of my time. Here is the English concession of the injustice of the position that Great Britain shall have six votes and we but one. It seems to me now that if a reservation is offered we ought to adopt the one which comes nearest giving us a complete equality.

Mr. TOWNSEND. Mr. President, I ask that a separate vote be had upon all the reservation except the last paragraph.

The VICE PRESIDENT. The question then will be upon agreeing to the reservation offered by the Senator from California [Mr. JOHNSON], except the last paragraph.

Mr. TRAMMELL. Mr. President, I shall take only a moment to present my views on the proposed reservation. It is my opinion that Members of the Senate are almost of one mind and one purpose as far as making it plain that it is not the desire of the Senate that Great Britain and her independent colonies shall have any greater vote or any greater power in the assembly of the league of nations than the United States.

Two plans have been proposed by which we may accomplish our object of preventing Great Britain from having any such advantage—one that of the Senator from California [Mr. JOHNSON], in which he proposes that this Nation shall have six votes whenever Great Britain and her colonies exercise the right of casting such a number of votes. Naturally it appeals to every patriotic American who loves his country that this Nation should have the same privilege as Great Britain.

If I did not consider that this reservation was really an amendment to the text, because it prescribes entirely a new system of voting and gives different representation to this Nation, I should gladly support the reservation offered by the Sen-

ator from California. If it is an amendment to the text—and I believe it is—it would probably defeat the league of nations entirely; this I do not want to do. I think, also, that it would not be treating France, Italy, and other nations quite fairly to add an additional wrong by giving the United States six votes, the same number that Great Britain would have upon certain questions, unless they were given the same increase of votes.

Believing that this is unquestionably an amendment to the text, I propose to support the amendment offered by the Senator from Wisconsin [Mr. LENROOT]. As I consider his reservation, it will absolutely protect the United States against any decision or any conclusion that may be rendered where Great Britain and her independent colonies exercise the right of more than one vote. This being true, with this kind of a reservation, the interests of the United States are absolutely safeguarded if at any time Great Britain should see proper, with her independent colonies, to act in a way detrimental and unfair to the interests of our Republic.

I prefer the reservation offered by the Senator from Wisconsin [Mr. LENROOT] to that offered by the Senator from North Dakota [Mr. McCUMBER], because the reservation offered by the Senator from North Dakota only reaches to the extent of questions where there are disputes between the United States and Great Britain or some of her colonies. This would leave Great Britain to exercise her six votes upon a question of policy and upon other matters that may come up wherein the United States was not directly interested, and yet was interested in a general way as far as the question of policy might be concerned.

I feel that the reservation which will best protect the interests of the United States without adopting a textual amendment is the reservation offered by the Senator from Wisconsin [Mr. LENROOT]. I propose to support his reservation and will therefore of necessity have to vote against the reservation offered by the Senator from California.

Unquestionably the treaty and the covenant of the league of nations is going to be adopted only with reservations. It is well established that the dream and the hope, if there could have been such, that it was going to be adopted without reservations has long since vanished and is no longer even a faint hope by anyone. Therefore, if we are going to adopt, and we will adopt, some reservations, I am heartily in favor of adopting the reservation which will safeguard the American interests in all matters where Great Britain and her colonies may see proper from selfish or other reasons to cast their six votes to the detriment of our own country. I am heartily in favor of the league of nations, but do not believe in permitting America's interests to be put in peril. I am heartily in sympathy with the object and purpose of the reservation offered by Mr. LENROOT, which is as follows:

The United States assumes no obligation to be bound by any election, decision, report, or finding of the council or assembly in which any member of the league and its self-governing dominions, colonies, or parts of empire, in the aggregate have cast more than one vote, and assumes no obligation to be bound by any decision, report, or finding of the council or assembly arising out of any dispute between the United States and any member of the league if such member, or any self-governing dominion, colony, empire, or part of empire united with it politically has voted.

Mr. POINDEXTER. Mr. President, admiring as I do the high patriotic purpose of the Senator from Florida [Mr. TRAMMELL] upon this vote to protect the interests and the influence of the United States in the decisions of the league of nations, I can not refrain from pointing out before the vote is taken, especially for the consideration of the Senator from Florida, that the reservation that has been proposed by the Senator from Wisconsin [Mr. LENROOT], which the Senator from Florida says will accomplish the purpose which he has in view of putting the United States upon an equality in the league of nations with any other power, does not have that effect and does not purport to have any such effect.

All that is provided by the reservation proposed by the Senator from Wisconsin is that in a vote in the assembly of the league of nations or in the council, where another power casts more votes than are cast by the United States, the United States shall not be bound by the decision. It does not provide that every other nation in the world is not bound by the decision. The reservation of the Senator from Wisconsin still leaves it so that in a dispute, for instance, between China and Japan, a dispute which affects the welfare of the entire world, perchance, and in which the United States and Great Britain are interested, Great Britain will cast 6 votes in the assembly and Great Britain will have 18 delegates in the assembly, whereas the United States will cast but 1 vote and have but 3 delegates.

So as to a dispute between any other two powers in the world, however great an interest the United States might have in the

dispute, the United States not being a party to the dispute and Great Britain not being a party to the dispute, Great Britain will still have, in the influence which she will exert upon the politics and the diplomacy of the world, the advantage of six times as much power as the United States in the decision of the dispute.

Mr. LENROOT. Will the Senator yield?

Mr. POINDEXTER. Certainly.

Mr. LENROOT. I wish to ask the Senator whether he realizes that the so-called Johnson reservation leads exactly to that same situation?

Mr. POINDEXTER. I disagree entirely with the Senator from Wisconsin in that construction of the Johnson reservation. I should like to see the last paragraph of the reservation of the Senator from California stricken out. The first section of the reservation of the Senator from California provides specifically that in the assembly and in the council the United States shall have an equal number of votes with any other power, thereby as plainly as it possibly can be done putting this country upon an equal footing with any other power.

The VICE PRESIDENT. The question is on the so-called reservation of the Senator from California [Mr. JOHNSON] except the last paragraph.

Mr. McCORMICK and Mr. BORAH called for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KENDRICK (when his name was called). I transfer my pair with the senior Senator from New Mexico [Mr. FALL] to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

The roll call was concluded.

Mr. CURTIS (after having voted in the affirmative). Has the junior Senator from Rhode Island [Mr. GERRY] voted?

The VICE PRESIDENT. He has not.

Mr. CURTIS. I have a pair with that Senator, and therefore withdraw my vote.

The result was announced—yeas 43, nays 46, as follows:

YEAS—43.			
Ball	Gore	McLean	Sherman
Borah	Gronna	Moses	Shields
Brandegee	Harding	New	Smoot
Calder	Johnson, Calif.	Newberry	Spencer
Capper	Jones, Wash.	Norris	Sutherland
Cummins	Kenyon	Page	Townsend
Dillingham	Kirby	Penrose	Wadsworth
Elkins	Knox	Phelan	Walsh, Mass.
Fernald	La Follette	Phipps	Warren
France	Lodge	Poinexter	Watson
Frelinghuysen	McCormick	Reed	
NAYS—46.			
Ashurst	Hitchcock	Nugent	Smith, S. C.
Bankhead	Johnson, S. Dak.	Overman	Stanley
Beckham	Jones, N. Mex.	Owen	Sterling
Chamberlain	Kellogg	Pittman	Swanson
Colt	Kendrick	Pomerene	Thomas
Dial	Keyes	Ransdell	Trammell
Fletcher	King	Robinson	Underwood
Gay	Lenroot	Sheppard	Walsh, Mont.
Hale	McCumber	Simmons	Williams
Harris	McKellar	Smith, Ariz.	Wolcott
Harrison	McNary	Smith, Ga.	
Henderson	Nelson	Smith, Md.	
NOT VOTING—6.			
Culbertson	Edge	Gerry	Myers
Curtis	Fall		

So the first part of the reservation of Mr. JOHNSON of California was rejected.

The VICE PRESIDENT. The question now is on the concluding paragraph of the reservation of the Senator from California [Mr. JOHNSON].

Mr. JOHNSON of California. A parliamentary inquiry, Mr. President. Does the vote now come merely upon the concluding paragraph of the reservation?

The VICE PRESIDENT. That is all.

Mr. JOHNSON of California. And not upon the entire reservation, including the concluding paragraph?

The VICE PRESIDENT. No. The reservation has been divided. Senators had a right to have it divided under the rules, and the vote now will be taken on the concluding paragraph of the reservation.

Mr. JOHNSON of California. So far as I personally have the power, I should not ask a vote upon the concluding paragraph at all.

The VICE PRESIDENT. The Senator can withdraw it.

Mr. JOHNSON of California. Then I withdraw it, with the right subsequently in the Senate again to present the entire reservation.

The VICE PRESIDENT. The Senator has that right anyway.

Mr. JOHNSON of California. I shall avail myself of it.

The VICE PRESIDENT. Then the reservation is withdrawn.

Mr. LENROOT. I offer the substitute for the reservation of the Senator from North Dakota [Mr. McCUMBER], which I send to the desk.

The VICE PRESIDENT. The Secretary will read the substitute proposed by the Senator from Wisconsin.

The SECRETARY. In lieu of the reservation proposed by Mr. McCUMBER it is proposed to insert the following:

The United States assumes no obligation to be bound by any decision, report, or finding of the council or assembly in which any member of the league and its self-governing dominions, colonies, or parts of empire in the aggregate have cast more than one vote, and assumes no obligation to be bound by any decision, report, or finding of the council or assembly arising out of any dispute between the United States and any member of the league if such member, or any self-governing dominion, colony, empire, or part of empire united with it politically has voted.

Mr. LENROOT. Mr. President, I discovered just about half an hour ago that there was an omission in the amendment as drawn by me of the word "election" after the word "any," and I ask unanimous consent that that word may be inserted.

The VICE PRESIDENT. Is there any objection?

Mr. HITCHCOCK. Mr. President, if that consent is granted, I could ask that permission to correct all typographical errors of a similar sort should be granted on request.

Mr. BRANDEGEE. I hope the Senator will ask that. It is only fair.

Mr. HITCHCOCK. Mr. President, will the Senator from Wisconsin please again state his request, so that I may understand what it is?

Mr. LENROOT. The amendment as originally drawn contained the word "election." I redrafted the amendment for another purpose, not intending to change that part, and have just discovered that the word "election" was omitted after the word "any."

The VICE PRESIDENT. In what line?

Mr. LENROOT. After the word "any," at the end of line 1.

The VICE PRESIDENT. The modification of the amendment proposed by the Senator from Wisconsin will be stated by the Secretary.

The SECRETARY. At the end of line 1, after the word "any," it is proposed to insert the word "election."

Mr. HITCHCOCK. I believe I will withdraw my request, as there may be some other changes to which we might want to object. I have no objection in this case.

The VICE PRESIDENT. Is there objection to the modification of the amendment of the Senator from Wisconsin by inserting the word "election"? The Chair hears no objection.

Mr. LENROOT. Mr. President, this reservation, if adopted, will relieve the United States of any obligation to be bound by any election, decision, report, or finding of the council or assembly in any case where any member having self-governing dominions or colonies shall have in the aggregate cast more than one vote. That is the first part of the reservation.

Mr. THOMAS. Mr. President—

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. LENROOT. I yield for a question.

Mr. THOMAS. Suppose that three of such votes should be upon one side and the remaining three upon the other side on the particular proposition or dispute, would the Senator's reservation cover that situation?

Mr. LENROOT. It would completely cover it. In any case where the British Empire, for instance, has cast more than one vote in the aggregate, we will not be bound by any decision in the matter.

Mr. THOMAS. Then, if three votes or more than three votes or any number of the six votes should be cast in favor of the interests of the United States in any dispute, we would still have to reject the decision?

Mr. LENROOT. We still would not be bound by it. The effect of it is simply that if the British Empire desires to have the United States bound by any action taken, it will refrain from casting in a particular instance more than one vote. That is all there is to it; and to that extent, if they wish to bind us, they can not cast more votes than we can cast.

Mr. KNOX. Is it optional upon the part of the United States under the reservation to be bound or are we simply automatically not bound?

Mr. LENROOT. We assume no obligation to be bound, and, of course, we would not be bound unless we expressly assumed the obligation later on. However, I am not going to take further time upon that part of it. I think it is very clear to every Member of the Senate that this reservation accomplishes, so far as protecting the United States is concerned, the full purpose of equality of voting however it may have been proposed.

The last part of the reservation takes care of the proposition of the pending reservation of the Senator from North Dakota providing that in no case where we are a party to a dispute involving any member of the British Empire shall we be bound by the decision if any members of the British Empire have voted at all.

Mr. HITCHCOCK. Mr. President, is the Senator's reservation in effect an amendment involving a change of the treaty?

Mr. LENROOT. It is not in the slightest degree; it merely withholds our consent or ratification to that part of the treaty which could bind us; that is all. We say we will not be bound; we do not assent to that part of the treaty which would otherwise bind us. It is merely a reservation. It has no feature of an amendment, but accomplishes, as I said a moment ago, the full protection of the United States in so far as this treaty would impose any obligation upon the United States through any election, report, finding, or decision of the council or the assembly.

Mr. PHELAN. Mr. President, may I ask the Senator a question before he resumes his seat?

Mr. LENROOT. I have yielded the floor.

Mr. PHELAN. Not to embarrass the Senator, but to justify myself, I wish the Senator would state in what particular his reservation is deficient. I am aware, if the Senate is not aware, that in one case it does not apply at all where the United States might be interested.

Mr. LENROOT. I will be very glad to enlighten the Senator. Suppose a question arises under article II, where the action is purely advisory and where no finding can be made that will bind anybody, in that case under this reservation we would not have six votes; the British Empire would; we would have one to their six—and that is why I voted for the reservation of the Senator from California [Mr. JOHNSON]—but in any case where the league is given power to bind the United States this reservation will protect us.

Mr. BORAH. In what case is the league given the power to bind the United States unless we voluntarily consent to be bound?

Mr. LENROOT. Under the arbitration and compulsory inquiry provisions.

Mr. BORAH. Exactly; but there we consent; we submit nothing to arbitration which we do not think should be submitted to arbitration.

Mr. LENROOT. But under the compulsory inquiry provisions we are compelled to submit everything that we do not reserve.

Mr. BORAH. Is that the only instance in which the Senator's reservation would operate?

Mr. LENROOT. It would also operate in the case of an election of new members to the council.

Mr. MCCORMICK. Mr. President, I should like to ask the Senator from Wisconsin if he is clear that the reservation reaches the appointment of committees?

Mr. LENROOT. Yes; it includes any decision.

SEVERAL SENATORS. Vote!

Mr. McCUMBER. Mr. President, a parliamentary inquiry. If the reservation of the Senator from Wisconsin should be substituted for the reservation proposed by me, would it still be open to amendment?

The VICE PRESIDENT. It must be amended before the substitution is made.

Mr. McCUMBER. Before the substitution is made?

The VICE PRESIDENT. Yes.

Mr. McCUMBER. Very well. Then, for the purpose of perfecting it, I offer an amendment to add at the end of the reservation proposed by the Senator from Wisconsin as a substitute the words "unless upon the submission of the matter to the council or assembly for decision, report, or finding the United States consents that the said dominions, colonies, or parts of empire may each have the right to cast a separate vote upon the said decision, report, or finding," and I shall include "election" also.

The purpose of that is perfectly clear. I can not see why there should be an objection to it.

Mr. WALSH of Montana. Mr. President, a parliamentary inquiry.

Mr. McCUMBER. I have not much time. If the Senator desires to speak in my time, I only have a few minutes left.

Mr. WALSH of Montana. I rise to a parliamentary inquiry.

The VICE PRESIDENT. A parliamentary inquiry does not come out of the Senator's time.

Mr. WALSH of Montana. I inquire whether the reservation tendered by the Senator from Wisconsin is subject to amendment. I made similar inquiry quite early in the proceedings, an amendment being tendered by the Senator from California, and I understood the Chair to rule that it would not be subject to amendment.

The VICE PRESIDENT. The Chair ruled at that time that it was not amendable by new matter, and it is not amendable now by new matter; but the Chair understands the Senator from North Dakota is proposing as an amendment an amendment which he has already proposed.

Mr. McCUMBER. And an amendment which has been printed and read.

The VICE PRESIDENT. It has been read and printed.

Mr. WALSH of Montana. It does not occur to me that that changes the situation at all, Mr. President. A reservation which has already been presented, read, and printed can be offered as a separate reservation undoubtedly, but not as an amendment to a pending reservation, because the effect of it in connection with the reservation offered by the Senator from Wisconsin, for instance, may be entirely different from the effect of it if it stood alone.

The VICE PRESIDENT. It can be voted down.

Mr. BRANDEGEE. Mr. President, on the point of order suggested by the Senator from Montana, if I may be permitted to make an observation, I should like to say that it seems to me that the suggestion made by the Senator from Montana is correct, because if out of the mass of different reservations which have been proposed, each of which is complete in itself, any Senator is at liberty to extract a paragraph and then propose it to another reservation, it would become an entirely novel proposition which had not been submitted according to the rule.

The VICE PRESIDENT. The Chair has not ruled that he can extract a paragraph.

Mr. BRANDEGEE. Or a sentence; I mean anything which changes the reservation which was sent to the desk and printed in order to bring it within the cloture rule. If that can all be changed by different sentences extracted from different amendments, or parts of amendments, it seems to me that the provision of the cloture rule that they can not be amended is without force and violated.

The VICE PRESIDENT. The Chair has not so ruled.

Mr. BRANDEGEE. I did not mean to intimate that the Chair had.

The VICE PRESIDENT. The Chair is ruling in this way: When the Senator from Montana made his inquiry it was with reference to an amendment which was not printed. The matter stands now substantially under the rule of striking out and inserting. The Senator from North Dakota has offered an amendment. The Senator from Wisconsin is practically moving to strike out the amendment of the Senator from North Dakota and to insert his own. Each, in accordance with the view of the Chair, is amendable by an amendment that has been heretofore presented and read to the Senate.

The Chair assumes that this is an entire amendment that the Senator from North Dakota is proposing to attach. If it is a part of an amendment, the Chair rules it out of order.

Mr. REED. Mr. President—

Mr. McCUMBER. So as to make the matter clear, let me call attention to the fact that in submitting it for printing I stated that I would offer it as an amendment to the reservation offered by the Senator from Wisconsin. I say that so as to make it clear that I am not extracting, as the Senator states.

The VICE PRESIDENT. It is clearly in order.

Mr. WALSH of Montana. In view of the statement made by the Senator from North Dakota, I withdraw any objection.

Mr. McCUMBER. Mr. President, I want to take just a minute to state the reasons.

I have no particular objection to the way in which the Senator from Wisconsin has formulated his reservation. The objection, and the only objection, that I can urge to it is this: That it allows the United States to go into the conference, permit the matter to be tried out, take part in it, and, when it is finally decided, then the United States can say it will not be bound by it. Under this reservation the United States will not be bound unless, as I have stated here, upon the submission of the matter to the council or the assembly for decision, report, or finding, the United States has consented that these dominions and colonies may cast a vote. In other words, it is incumbent upon the United States, when the matter is submitted, and when she goes into the conference, to say whether she will be bound or whether she will not. She must say that at the time of its submission.

That is all this amendment does, and it simply places us in an honorable position.

Mr. REED. Mr. President, a parliamentary inquiry. There was some confusion, and I did not quite understand the ruling of the Chair. Did the Chair rule that the Senator from North Dakota could offer this amendment now—that it was in order to offer it?

The VICE PRESIDENT. To the amendment of the Senator from Wisconsin. The Senator from North Dakota gave notice that he would, and had it read and printed.

Mr. REED. That is the point I wanted to get at.

The VICE PRESIDENT. The Senator gave notice that he would, and had it read and printed.

Mr. REED. If he did that, clearly he has the right to offer it now. I admit that.

Mr. PHELAN. Mr. President, I ask that the Secretary may state the substitute as proposed to be amended.

The VICE PRESIDENT. The Secretary will state the substitute as proposed to be amended.

The SECRETARY. At the end of the proposed substitute of the Senator from Wisconsin it is proposed to add the following words:

Unless upon the submission of the matter to the council or assembly for decision, report, or finding, the United States consents that the said dominions, colonies, or parts of empire may each have the right to cast a separate vote upon the said election, decision, report, or finding.

Mr. McCUMBER. I wish the Secretary would read it as it would stand amended.

The SECRETARY. So that, if amended, it would read:

The United States assumes no obligation to be bound by any election, decision, report, or finding of the council or assembly in which any member of the league and its self-governing dominions, colonies, or parts of empire, in the aggregate have cast more than one vote, and assumes no obligation to be bound by any decision, report, or finding of the council or assembly arising out of any dispute between the United States and any member of the league if such member, or any self-governing dominion, colony, empire, or part of empire united with it politically has voted, unless upon the submission of the matter to the council or assembly for decision, report, or finding, the United States consents that the said dominions, colonies, or parts of empire may each have the right to cast a separate vote upon the said election, decision, report, or finding.

Mr. LODGE. Mr. President, the addition which is moved appears to be part of an amendment offered, and not the whole amendment.

The VICE PRESIDENT. It is the whole amendment. The Senator gave notice of it.

Mr. LODGE. It is the whole amendment?

The VICE PRESIDENT. It is the whole amendment. The Senator gave notice that he would offer it as an amendment to the amendment of the Senator from Wisconsin and had it read.

Mr. LODGE. It is very destructive.

Mr. PHELAN. Mr. President, the effect of that will be that when the representatives of the United States think it is advantageous that the several colonies shall cast separate votes they will consent. I do not see that it does any harm.

The VICE PRESIDENT. The Chair has trouble enough in ruling on the rules of the Senate, without ruling upon what will happen in the league of nations. [Laughter.]

Mr. TOWNSEND. Mr. President, there is one provision in there about which the question of the Senator from California raised a doubt in my mind, when it refers to the consent of the United States, as to whether it means the consent of the Congress or the consent of the delegate of the United States at the conference.

Mr. LENROOT. Mr. President, with the construction that the Senator from North Dakota has just given, it seems very clear that his amendment ought to be voted down. We ought not to leave the question of obligating the United States upon this inequality of voting to the decision of the representative of the United States upon the council or in the assembly.

Mr. WADSWORTH. Mr. President, do I understand that the Senator from North Dakota has so construed his amendment?

Mr. McCUMBER. No. Of course, we would have to act through the delegate, but I expected that the United States, of course, would have to instruct the delegate.

Mr. WADSWORTH. May I ask the Senator from North Dakota what agency of the United States is to instruct the delegate?

Mr. McCUMBER. We have otherwise provided in our reservations for the appointment of all agencies, and fixing their powers. If we have any power to act it will have to be through the United States Congress.

Mr. McCORMICK. Mr. President, the reservation of the Senator from North Dakota carries out his consistent purpose, manifest during the course of this debate, to confer upon Great Britain, her self-governing colonies, and the subject and abject Empire of India, each a vote, in the aggregate six times the vote of the United States. The amendment, if it should carry, will absolutely defeat the purpose of the reservation presented by the Senator from Wisconsin [Mr. LENROOT].

There is not very much to be said for the reservation of the Senator from Wisconsin. It serves only to protect us from the consequences of our humiliating self-immolation in this Cham-

ber. We are Senators of the United States, not of Italy or of France or of the new-born German Republic. We are Senators of the United States, sitting in Washington, and not of the Dominion of Canada, sitting in Ottawa, not of the Upper Chamber, sitting in Westminster, although to read or to hear our debates sometimes one almost might be deceived upon that point.

Let us at least protect the people of the United States from the consequences of the surrender of their interests by their delegates at Paris. Even if we do that, the question involved in the representation in the assembly, if we enter the league, will not down. We can not put it to rest in this Chamber any more than the Senators by the Missouri compromise could put to rest the question of slavery. We can not be parties to an injustice to the American people, parties to their humiliation, and expect that they will assent to the surrender of their interests to which the Senate consents in this Chamber.

Ah, we may vote to-day in the Senate to surrender the equal rights of America in the assembly of the league if we join in that league, but we can not thus settle the question. The issue will remain moot in the great cities and in the country towns, upon the farms, in the valleys, and on the hillsides, in offices and factories, wherever there are assembled Americans who cherish the honor and the prestige of America. The issue will remain in this country as slavery remained an issue. We are not going to escape it on this floor. We shall meet it at home, in our constituencies, wherever we go. Our action here will serve not to bring accord between the two great English-speaking peoples, but to bring discord between them.

As a member of the Canadian House of Commons, 20 years a member of that body, and 16 years a minister of the Crown, said, "The logic is with the people of the United States. New York is more important to the Union than Canada to the British Empire." So he spoke, not I. Wherever men have discussed this issue voices have been raised—in the French Chamber at Paris, in London, in Westminster, in Ottawa—against this unequal representation. As long as men have tongues in the United States, as long as they believe that the greatest of Republics should have an equal voice with the greatest of Empires, this issue will live. It will either be settled by the British Empire as an act of grace conferring upon the people of the United States the equal suffrages which their own Senators denied them, or the people of the United States, if they are coerced into membership into this league, will seize justice for themselves through their representatives chosen at a future election.

The VICE PRESIDENT. The question is on the reservation offered by the Senator from North Dakota [Mr. McCUMBER] as a substitute for the reservation offered by the Senator from Wisconsin [Mr. LENROOT].

Mr. McCUMBER. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KENDRICK (when his name was called). Making the same announcement of the transfer of my pair as before, I vote "nay."

The roll call having been concluded, the result was announced—yeas 3, nays 86, as follows:

YEAS—3.			
Fletcher	McCumber	Thomas	
NAYS—86.			
Ashurst	Gronna	McLean	Sherman
Ball	Hale	McNary	Simmons
Bankhead	Harding	Moses	Smith, Ga.
Beckham	Harris	Myers	Smith, Md.
Borah	Harrison	Nelson	Smith, S. C.
Brandegee	Henderson	New	Smoot
Calder	Hitchcock	Newberry	Spencer
Capper	Johnson, Calif.	Norris	Stanley
Chamberlain	Jones, N. Mex.	Nugent	Sterling
Colt	Jones, Wash.	Overman	Sutherland
Cummins	Kellogg	Owen	Swanson
Curtis	Kendrick	Page	Townsend
Dial	Kanyon	Penrose	Trammell
Dillingham	Keyes	Phelan	Underwood
Edge	King	Phippis	Wadsworth
Elkins	Kirby	Pittman	Walsh, Mass.
Fernald	Knox	Poin Dexter	Walsh, Mont.
France	La Follette	Pomerene	Watson
Frelinghuysen	Lenroot	Ransdell	Williams
Gay	Lodge	Reed	Wolcott
Gerry	McCormick	Robinson	
Gore	McKellar	Sheppard	

NOT VOTING—0.

Culberson	Johnson, S. Dak.	Smith, Ariz.	Warren
Fall	Shields		

So Mr. McCUMBER's substitute for the reservation offered by Mr. LENROOT was rejected.

The VICE PRESIDENT. The question now is on the reservation of the Senator from Wisconsin [Mr. LENROOT].

Mr. JONES of Washington. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KENDRICK (when his name was called). Making the same announcement of the transfer of my pair as before, I vote "nay."

The roll call having been concluded, the result was announced—yeas 55, nays 38, as follows:

YEAS—55.			
Ball	Gore	McLean	Sherman
Borah	Gronna	McNary	Shields
Brandegee	Hale	Moses	Smith, Ga.
Calder	Harding	Nelson	Smoot
Capper	Johnson, Cal.	New	Spencer
Colt	Jones, Wash.	Newberry	Sterling
Cummins	Kellogg	Norris	Sutherland
Curtis	Kanyon	Owen	Townsend
Dillingham	Keyes	Page	Trammell
Edge	Knox	Penrose	Wadsworth
Elkins	La Follette	Phelan	Walsh, Mass.
Fernald	Lenroot	Phippis	Warren
France	Lodge	Poin Dexter	Watson
Frelinghuysen	McCormick	Reed	
NAYS—38.			
Ashurst	Henderson	Nugent	Smith, S. C.
Bankhead	Hitchcock	Overman	Stanley
Beckham	Johnson, S. Dak.	Pittman	Swanson
Chamberlain	Jones, N. Mex.	Pomerene	Thomas
Dial	Kendrick	Ransdell	Underwood
Fletcher	King	Robinson	Walsh, Mont.
Gay	Kirby	Sheppard	Williams
Gerry	McCumber	Simmons	Wolcott
Harris	McKellar	Smith, Ariz.	
Harrison	Myers	Smith, Md.	
NOT VOTING—2.			
Culberson	Fall		

So Mr. LENROOT's amendment, in the nature of a substitute, was agreed to.

The VICE PRESIDENT. The question is on agreeing to the reservation as amended.

The reservation as amended was agreed to.

The VICE PRESIDENT. Are there further reservations?

Mr. PHELAN. I offer the following reservation.

The VICE PRESIDENT. The Secretary will read it.

The SECRETARY. Add as a new reservation the following:

Inasmuch as the "14 points," so called, as declared by the President of the United States, were accepted as the basis of peace by all the chief belligerent nations, the sole reservation being the interpretation on the part of Great Britain of the clause relating to the freedom of the seas, the United States reserves the right to interpret the covenant of the league and the treaty of peace in harmony with the principles laid down by the said "14 points," and that it does not consider itself bound to any line of conduct, military or financial, in conflict therewith.

Mr. THOMAS. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. THOMAS. Yesterday we voted upon a similar reservation offered by the Senator from Oklahoma [Mr. OWEN]. The point of order I make is that the Senate has already disposed of the subject.

Mr. PHELAN. The reservation offered by the Senator from Oklahoma, if the Chair will permit me, was of a similar character; but I claim the right to offer a reservation under the rule, which reservation has been read to the Senate.

The VICE PRESIDENT. The reservation offered by the Senator from Oklahoma upon yesterday had to do with the question of self-determination of nations. This one, proposed by the Senator from California, seems to have to do with the self-determination of the United States. The Chair overrules the point of order. The question is on agreeing to the reservation proposed by the Senator from California [Mr. PHELAN].

Mr. McCORMICK. I wish merely to remark that this reservation seems to me to be a profession of virtue when there is none left in it.

Mr. BORAH and Mr. ASHURST. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KENDRICK (when his name was called). Making the same announcement as before, with reference to my pair with the Senator from New Mexico [Mr. FALL] and its transfer, I vote "nay."

The roll call having been concluded; the result was announced—yeas 12, nays 79—as follows:

YEAS—12.			
Borah	Gronna	McLean	Penrose
Brandegee	Johnson, Calif.	Norris	Phelan
France	La Follette	Owen	Sherman
NAYS—79.			
Ashurst	Calder	Cummins	Edge
Ball	Capper	Curtis	Elkins
Bankhead	Chamberlain	Dial	Fernald
Beckham	Colt	Dillingham	Fletcher

Frelinghuysen	Keyes	Page	Spencer
Gay	King	Phipps	Sterling
Gerry	Kirby	Pittman	Sutherland
Gore	Knox	Poinexter	Swanson
Hale	Lenroot	Pomerene	Thomas
Harding	Lodge	Ransdell	Townsend
Harris	McCormick	Reed	Trammell
Harrison	McCumber	Robinson	Underwood
Henderson	McKellar	Sheppard	Wadsworth
Hitchcock	McNary	Shields	Walsh, Mass.
Johnson, S. Dak.	Moses	Simmons	Walsh, Mont.
Jones, N. Mex.	Neelson	Smith, Ariz.	Warren
Jones, Wash.	New	Smith, Ga.	Watson
Kellogg	Newberry	Smith, Md.	Williams
Kendrick	Nugent	Smith, S. C.	Wolcott
Kenyon	Overman	Smoot	

NOT VOTING—4.

Culberson	Fall	Myers	Stanley
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So Mr. PHELAN's reservation was rejected.

Mr. KNOX. Mr. President, I offer the following reservation, proposed on November 6 and read at that time.

The VICE PRESIDENT. The Secretary will read the proposed reservation.

The Secretary read as follows:

Resolved, That the Senate of the United States unreservedly advises and consents to the ratification of this treaty in so far as it provides for the creation of a status of peace between the United States and Germany.

Resolved further, That the Senate of the United States advises and consents to the ratification of this treaty, reserving to the United States the fullest and most complete liberty of action in respect to any report, decision, recommendation, action, advice, or proposals of the league of nations or its executive council or any labor conference provided for in the treaty, and also the sole right to determine its own relations and duties and course of action toward such league or toward any member thereof, or toward any other nation in respect to any question, matter, or thing that may arise while a member of such league, anything in the covenants or constitution of such league or the treaty of Versailles to the contrary notwithstanding, and also reserves to itself the unconditional right to withdraw from membership in such league and to withdraw from membership in any body, board, commission, committee, or organization whatever set up in any part of the treaty for the purpose of adding its execution or otherwise, effecting by such withdrawal as complete a release of any further obligations and duties under such treaty as if the United States had never been a party thereto. It is also

Resolved further, That the validity of this ratification depends upon the affirmative act of the principal allied powers named in the treaty of peace with Germany approving these reservations and certifying said approval to the United States within 60 days after the deposit of the resolution of ratification by the United States.

Mr. KNOX. Mr. President, at the time I presented this reservation—and it was read to the Senate on the 6th of November—I made an explanation of its purpose and advanced some arguments in its support. I desire to-day, however, to make a few additional observations, the substance of which has convinced me that this reservation is the way out of the complex situation in which we find ourselves.

The reservation I have proposed accomplishes the two purposes for which every peace treaty is framed. First, and in this case most importantly, it establishes a status of peace between the United States and Germany. It is now more than a year since actual hostilities between the United States and its enemies ceased and we have not yet placed on our statute books any law nor have we made a treaty which declares the state of war to be at an end. It has been assumed from this fact that we still have a status of war and the Government has in many matters gone forward on the theory that a state of war still exists. As my present thought runs I am inclined to take issue with this position and to assert that a war actually ends with the formal cessation of hostilities; that the constitutional Commander in Chief has the constitutional power to bring actual hostilities to a close, because he has the power to accept the surrender of the armies of the enemy under terms which he lays down and which may make wholly impossible the further conduct of hostilities; that in the present war the Commander in Chief did end these hostilities by his participation in the making of the armistice of November 11, 1918, and the amendments and supplements thereto; that since that time we have had in law as well as in fact a status of peace; and that the only thing which now remains to be done in connection with this war is to provide for the indemnities to be paid by the vanquished and to adjust the future peace-time relationships of the opposing parties. In this view the treaty is obviously merely confirmatory of the peace status which already exists.

But it is not necessary at this time to amplify this phase of the question which I leave for further discussion should it, as it well may, become pertinent to a situation which hereafter may arise, because if this treaty be ratified by us under this reservation it will bring us peace if and when the necessary number of other powers ratify it. As to the eventualities which may arise in connection with ratification of this treaty I have already expressed my views before this body. This resolution, therefore, will, so far as any action which this body can take, bring to us peace—the desideratum which has been held be-

fore us as justifying an unqualified acceptance of this treaty as it was written with all its manifest imperfections and inequities.

In the second place, this reservation gives us a reasonable and tolerable participation in the matter of indemnities and postwar adjustment and relationships. It is not necessary for me at this time to recapitulate the many-times explained enormities of this treaty from the standpoint of a wise American policy. These have been repeatedly pointed out before this body, and it is now evident that a majority of the Senate regard the written treaty provisions as hostile or threatening to American interest and American institutions. The only question remaining is as to how best to protect ourselves against the invidious tendencies of the treaty provisions?

The crux of the objections to this treaty may, I think, be expressed in a very few words: The treaty makes us coparticipants and coresponsibles in matters which are none of our business; and this statement would have been sufficient at any time before there stalked into our political life the theory that men and nations were no longer to be free, but were to be subject in their civil, political, financial, and to some extent religious lives, to the views or whims of other persons and other peoples who might be alien in race, tradition, civilization, government, and religion. I may remark in passing that, owing to a curious quirk of the human intellect, we on this side of the Chamber find ourselves faced with a demand to subject this Nation to the most complete world autocracy which all history has produced, the demand being made by those on the other side of the Chamber, who have heretofore posed as standing for the purest democracy and for the maximum of local self-government. Strange to say, while the whole course of action for the last 50 years of that section of our country which is chiefly represented by gentlemen on the other side has been based and justified on the announced principle of the right of local self-government, yet we to-day on this side of the Chamber are, curiously enough, having to preserve to them the only principle which would permit them to handle their local problems as they have done for the last half century. In saying this I wish to be understood as neither condoning nor approving the course of action to which such gentlemen are committed and for which they stand.

Inasmuch, therefore, as this treaty in all parts, other than that which merely brings us peace, concerns matters which are not our business, the second and third paragraphs of my resolution have been framed with a view to permitting us to exercise the maximum beneficial influence which we may possess in the councils of the world, of allowing to us the fullest opportunity to cooperate with the other nations of the world in the support of any course of action which we shall regard as just, but as imposing upon us no obligations whatsoever to go forward in reference to matters which we regard as improper or unjust. Surely, sir, this is the full participation which this people and this Government ought to undertake. This is all that gentlemen on the other side ought to ask that we undertake. Give the freest range to the wildest dreams of the fanatic dreamer, and he ought not to wish, if he be a patriot, for more than the opportunity to participate and to exercise our influence in the councils of the world for right, justice, and human liberty.

This reservation will fully accomplish this. It will permit us to sit as part and parcel of every committee, of every commission, of every organization which the treaty creates, or for which it provides. Our voice could be heard on every subject affecting the peace of the world. Ratify this treaty with this reservation and we shall exercise the full influence which this treaty gives to us if ratified unreservedly. Nay; I understate this position, because if we shall ratify this treaty without any reservation whatever, we shall be bound by positive undertaking and good faith to support the determinations made by the various treaty organizations, in most cases by majority votes, whether we liked such determination or not. Under such an obligation it would be a matter of much less moment to the other conferring powers whether or not we approved of their conclusions, since whether we did or did not approve we would be bound to support them. But by retaining for ourselves, as this reservation proposes, complete liberty of action as to any determination, decision, or conclusion, which any of these organizations may reach, a liberty of action which would permit us to stand on the right side, even as against a majority of those who compose the conferring powers, I assure you they will consider well and pause long before they reach a decision or lay out a course of action with which we do not agree. And I say to you, gentlemen, on the other side, if what you are seeking is honest power and strength in the world, a ratification of this treaty under this resolution gives you a thousandfold more power and strength than you would have under an unqualified ratification. Indeed, it will give to you the greatest world power you could possess, except you jettison this whole treaty and leave us

free in the future, as in the past, to do the right, as God, working on the conscience of the people of this country, gives us the power to see the right.

The PRESIDENT pro tempore. The question is on the reservation proposed by the Senator from Pennsylvania [Mr. Knox].

Mr. GORE. Mr. President, I should like to ask the Senator from Pennsylvania if he would object to a division of the question, so that we could first vote on the first paragraph? That presents a clear-cut issue as to whether or not we shall ratify the pending treaty so far it concludes a peace with Germany.

Mr. ROBINSON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Arkansas?

Mr. ROBINSON. Mr. President, I rise to a point of order. I make the point of order that the resolution of ratification proposed by the Senator from Pennsylvania [Mr. Knox] is not now in order. The rule of the Senate plainly requires that the Senate shall proceed to a determination of all amendments and reservations, and that thereafter a resolution of ratification shall be framed and be considered in the Senate. It is not competent in Committee of the Whole, while reservations are pending, to vote for a resolution of ratification. The matter submitted by the Senator from Pennsylvania is on its face a qualified resolution of ratification and, under the rules of the Senate, is not now in order.

Mr. KNOX. Mr. President, the Senator from Arkansas [Mr. ROBINSON] is entirely mistaken. This is not a resolution of ratification. The RECORD of November 6 shows that the Senator from Pennsylvania rose and made this statement:

Mr. KNOX. Mr. President, with the consent of the Senator from Wisconsin, I should like to send to the desk a brief, simple, and general reservation to America's ratification of the treaty of Versailles and its league of nations, which I propose to the pending treaty; and I ask the indulgence of the Senate for 5 or 10 minutes in order to explain the purpose of the reservation.

Mr. LA FOLLETTE. I yield to the Senator for that purpose.

Mr. KNOX. I ask to have the proposed reservation read.

The VICE PRESIDENT. The Secretary will read as requested.

How that can be called a resolution of ratification I can not imagine.

Replying to the suggestion made by the Senator from Oklahoma [Mr. GORE], I will say that I have not the slightest objection to a division of the question involved in the reservation.

Mr. ROBINSON. Mr. President, I call attention to the alleged reservation as presented by the Senator from Pennsylvania. It is true that it reads:

Reservation intended to be proposed by Mr. KNOX to the reservations proposed as a part of the resolution of ratification of the treaty of peace with Germany, viz:

Resolved, That the Senate of the United States unreservedly advises and consents to the ratification of this treaty in so far as it provides for the creation of a status of peace between the United States and Germany.

Further resolutions in the nature of reservations follow.

The point I make is that the Senator from Pennsylvania can not abrogate the plain rule of the Senate which fixes our procedure, and, by designating a resolution of ratification a reservation, escape the effect of the rule which gives the Senate the right to vote upon the various amendments and reservations presented before it undertakes to determine the question of ratification.

If this resolution, or reservation, or whatever it may be termed, be adopted, it will have the effect of being a substitute for the pending resolutions, reservations, and amendments. It is plainly, in legal effect, a qualified resolution of ratification and is not in order under the rule. It will require a two-thirds vote for its adoption.

Mr. BRANDEGEE. Mr. President, I do not take the view of this matter that the Senator from Arkansas takes. Many of these reservations state, and it is a recognized form in which to offer a reservation to say that "the Senate advises and consents to the ratification of the treaty with the following understandings." I have looked up a good many of them as contained in Malloy's Treaties and Conventions, and that is the common form of expression, and I notice that several of those now pending are worded in similar form.

For instance, I read from the one offered by the Senator from Nevada [Mr. PITTMAN], which is right on our desks now, and it provides:

The Senate of the United States of America advises and consents to the ratification of said treaty with the following reservations.

And so forth.

The fact that the Senator's reservation contains the word "resolved" is immaterial, but the Senator can modify his own reservation by striking that out in each case if he desires to do so. Then it will read:

That the Senate unreservedly advises and consents—

Which is the exact language contained in many former treaties, and in several pending reservations.

The PRESIDENT pro tempore. The Chair is of the opinion that the reservation now before the Senate is in proper form and overrules the point of order.

Mr. GORE. Mr. President, in view of the statement of the Senator from Pennsylvania, that he does not object to a severance of these reservations, I ask that the question be divided, and that the first paragraph be submitted to the Senate first. I ask that it be read.

The PRESIDENT pro tempore. The Secretary will read the first paragraph.

The Secretary read as follows:

Resolved, That the Senate of the United States unreservedly advises and consents to the ratification of this treaty in so far as it provides for the creation of a status of peace between the United States and Germany.

Mr. WALSH of Montana. Mr. President, I would find myself quite unable to determine just exactly what provisions of the treaty would be in force and what would not be in force if this resolution of ratification were adopted. For instance, I would be utterly unable to say whether the Shantung provision is in force and effect or is not.

The PRESIDENT pro tempore. The Chair is of the opinion that the reservation is not susceptible of division. The question will be upon the reservation offered by the Senator from Pennsylvania.

Mr. FRANCE. I call for the yeas and nays.

Mr. WALSH of Massachusetts. May we have the whole question stated?

The PRESIDENT pro tempore. The Chair calls first for the seconding of the demand for the yeas and nays. Is it seconded?

The yeas and nays were ordered.

The PRESIDENT pro tempore. The Secretary will state the reservation proposed by the Senator from Pennsylvania.

The Secretary read as follows:

Resolved, That the Senate of the United States unreservedly advises and consents to the ratification of this treaty in so far as it provides for the creation of a status of peace between the United States and Germany.

Resolved further, That the Senate of the United States advises and consents to the ratification of this treaty, reserving to the United States the fullest and most complete liberty of action in respect to any report, decision, recommendation, action, advice, or proposals of the league of nations or its executive council or any labor conference provided for in the treaty, and also the sole right to determine its own relations and duties and course of action toward such league or toward any member thereof or toward any other nation in respect to any question, matter, or thing that may arise while a member of such league, anything in the covenants or constitution of such league or the treaty of Versailles to the contrary notwithstanding, and also reserves to itself the unconditional right to withdraw from membership in such league and to withdraw from membership in any body, board, commission, committee, or organization whatever set up in any part of the treaty for the purpose of aiding its execution or otherwise, effecting by such withdrawal as complete a release of any further obligations and duties under such treaty as if the United States had never been a party thereto. It is also

Resolved further, That the validity of this ratification depends upon the affirmative act of the principal allied powers named in the treaty of peace with Germany, approving these reservations and certifying said approval to the United States within 60 days after the deposit of the resolution of ratification by the United States.

Mr. BRANDEGEE. Mr. President, I ask for a division of this reservation, based upon the rule which says that—

If the question in debate contains several propositions, any Senator may have the same divided.

And it seems to me that clearly this reservation, under two separate resolves, contains two separate propositions. One is that the United States ratifies the treaty so far as it creates a status of peace. Then it further resolves an entirely different thing.

I simply wanted to call the attention of the Chair to that rule, which will be found on page 22, Rule XVIII, and ask the Chair, if he had ruled inadvertently upon the matter, or without looking at the rule, if he would not reconsider his ruling.

Mr. SWANSON. Mr. President, it seems to me that it is too late when the yeas and nays have been ordered.

Mr. BRANDEGEE. The Chair has ruled otherwise, and I have the floor.

Mr. SWANSON. The yeas and nays have been ordered. Business has intervened.

Mr. BRANDEGEE. That does not make any difference.

Mr. SWANSON. I raise the point of order that there can not be any debate on questions of order.

Mr. BRANDEGEE. I am not debating, unless the Chair wants to hear me.

Mr. SWANSON. The rule says that—

Points of order, including questions of relevancy and appeals from the decision of the Presiding Officer, shall be decided without debate.

Mr. BRANDEGEE. It is all within the discretion of the Chair.

The PRESIDENT pro tempore. The point of order is sustained. The question is on the reservation proposed by the Senator from Pennsylvania [Mr. KNOX], on which the yeas and nays have been requested and ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CURTIS (when Mr. FALL's name was called). I have been requested to announce the unavoidable absence of the Senator from New Mexico [Mr. FALL]. He is paired with the Senator from Wyoming [Mr. KENDRICK]. If present, the Senator from New Mexico would vote "yea."

Mr. KENDRICK (when his name was called). I make the same announcement as to the transfer of my pair as before, and will let this announcement stand for the day. I vote "nay."

Mr. McLEAN (when his name was called). In the absence of the senior Senator from Montana [Mr. MYERS] I withhold my vote.

The roll call was concluded.

Mr. MYERS. Has the Senator from Connecticut [Mr. McLEAN] voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. MYERS. As I have a pair with the Senator from Connecticut, I withhold my vote.

The result was announced—yeas 30, nays 61, as follows:

YEAS—30.			
Ball	Frelinghuysen	McCormick	Reed
Borah	Gore	Moses	Sherman
Brandegee	Gronna	New	Shields
Capper	Harding	Newberry	Sutherland
Curtis	Johnson, Cal.	Norris	Wadsworth
Elkins	Knox	Penrose	Watson
Fernald	La Follette	Phipps	
France	Lodge	Polindexter	
NAYS—61.			
Ashurst	Henderson	Nugent	Spencer
Bankhead	Hitchcock	Overman	Stanley
Beckham	Johnson, S. Dak.	Owen	Sterling
Calder	Jones, N. Mex.	Page	Swanson
Chamberlain	Jones, Wash.	Phelan	Thomas
Coff	Kellogg	Pittman	Townsend
Cummins	Kendrick	Pomerene	Trammell
Dial	Kenyon	Ransdell	Underwood
Dillingham	Keyes	Robinson	Walsh, Mass.
Edge	King	Sheppard	Walsh, Mont.
Fletcher	Kirby	Simmons	Warren
Gay	Lenroot	Smith, Ariz.	Williams
Gerry	McCumber	Smith, Ga.	Wolcott
Hale	McKellar	Smith, Md.	
Harris	McNary	Smith, S. C.	
Harrison	Nelson	Smoot	
NOT VOTING—4.			
Cutberson	Fall	McLean	Myers

So Mr. KNOX's reservation was rejected.

Mr. KNOX. Mr. President, I desire to give notice that I will ask for a vote in the Senate on this reservation.

Mr. JONES of Washington. Mr. President, I propose the reservation I send to the desk.

The PRESIDENT pro tempore. The Secretary will read it.

The SECRETARY. Add as a new reservation the following:

The representative of the United States on the council of the league of nations shall not give his consent to any proposal under any provisions of the covenant of the league of nations which may involve the use of the military or naval forces of the United States until such proposal shall be submitted to the Congress and the Congress shall authorize him to give his consent thereto.

Mr. JONES of Washington. Mr. President, there is nothing in the covenant that prevents our representative on the council giving his consent to any decision that may be asked of the council or giving his assent or joining in any decision upon any question or dispute under the consideration of the council. I have heard it stated on this floor many times by Senators that our armies and our navies would not or should not be sent abroad to engage in any foreign war without the consent of Congress. I believe that is the sentiment of the Congress. I believe the sentiment of the people of this country is that they are not willing that our armies shall be sent abroad without the consent of Congress.

Mr. President, I do not want this country to be placed in a position where other nations can point to us and say, "You have failed to meet an obligation that your representative has consented to."

Under article 10, as it is submitted to us, for instance, it is provided that the council shall advise upon the means to carry into effect any obligation that we have assumed. If that stands as it is, and a question comes up before the council involving the matter of compelling peace between two countries across the seas, and our representative on that council should agree to a plan submitted by the other members of the council that would involve the use of the troops of the United States, then we would be in a position of having consented through our representative on the council to the use of our troops across the sea. He could not legally bind us, I grant that, but, Mr. President, if

a nation can ever be morally bound to do a thing that its representative can not legally bind a nation to do, this country would be bound to conform to the recommendation of the council after its representative had given his consent. If we refused to do it, our associates could very justly charge us with dishonor.

I do not want our country to be put in that position. I do not want us to be placed so that the finger of dishonor can be pointed at us by any of the other countries of the world, because I am satisfied of this, Mr. President, that the people of this country and that the Congress of the United States would never consent to the sending of our armies across the sea to engage in a controversy or war that did not affect our safety and security and in which we had no direct interest. To meet that situation, Mr. President, I want this provision put in the resolution of ratification, so that the countries of the world will know that our representative upon the council can not bind us to use our armies until first he has been authorized to do so by the Congress.

It may be said that all the countries are presumed to know our form of Government and the Constitution upon which it rests; and yet they do not know it; they do not appreciate it. They did not appreciate it while this treaty was being framed. You see in the press every day expressions of surprise that the Senate is not approving the action of our peace delegation at Versailles. They thought that when our peace delegation signed this treaty this country was bound, that the act was complete, that the ratification by the Senate was a sort of a matter of form. A great many of them thought that. But they have had their eyes opened, and they will have their eyes opened further in this respect. But what are they doing? They are charging us with running away from obligations that we have not yet incurred. They are charging us with forsaking and not fulfilling a covenant that we have not yet made, but which they thought we had made. So, Mr. President, unless we put in a reservation of this kind, when our delegate sits on the council with the representatives from the other countries they will think that he sits there with the same power that they have—to bind their countries when they act.

When the representative on the council of the British Empire gives his consent to a decision of the council it binds the British Empire. When the representative of France on the council gives his consent to any decision of the council, it binds France. They would naturally expect our representative to have the same power and his act the same effect. Our representative, however, can not bind this country, legally or morally, to send its armies into war. While we would not be legally bound, yet if he did give his consent and there was introduced in Congress a resolution declaring war or to raise armies, what would be the strongest argument in favor of its passing? Not the merits of the controversy, but that we had been committed by our representative to this line of conduct and that it would be dishonorable for us not to fulfill the obligation that he had consented to. One of the most potent arguments for this treaty now is that it has been approved by our representatives; that we should stand by the President.

So, Mr. President, the sole purpose of this reservation is to advise our associates in this league of nations that when we consent to the ratification of this covenant, we declare that our representative on the council can not give his consent to any proposition that involves the use of our armed forces without first submitting it to Congress and getting its consent.

I have heard the leader of the minority more times than one state on this floor that Congress ought to provide that our representative should not give his consent without the consent of Congress, and that we can so provide by law. I think we can. I introduced a bill two or three months ago providing that our representative on the council should not do it. It seems to me that the fair and honorable course for us to take is, when we ratify this treaty, to put that provision, at any rate, in the resolution of ratification.

It may be said that reservation 8 takes care of it. Under reservation 8 it is expressly provided that the powers and duties of our representative in the council shall be fixed by law. That would take care of it in a way. Yet that law is subject to change as administrations come and go, it is subject to repeal as Congress may change. It has not the permanent character of a reservation in a resolution of ratification, and instead of leaving it to future legislation, instead of leaving it to future action by Congress, it does seem to me that the fair, just, and honorable course if that is what we believe—and I am sure that is the sentiment of the Senate and the sentiment of the people—is for us, in ratifying this treaty, to notify our associates that our representative on the council can not agree to any decision involving the use of our armies or navies until the proposition has first been submitted to Congress and had its assent. This makes our position clear. It avoids misunderstanding. It will promote peace.

I trust that the reservation will be agreed to.

Mr. HITCHCOCK. Mr. President, the Senator has quoted me. I certainly do not want it understood that I have ever stated that this is a matter which we should enter into an agreement about with a foreign country or any number of foreign countries.

Mr. JONES of Washington. No, Mr. President; I said the Senator had said we should enact legislation.

Mr. HITCHCOCK. That is the only proper way to do it. It is purely a domestic question. The power which we shall give our representative is entirely domestic, and ought to be covered by legislation only. We should not undertake to enter into any contract with the other nations as to what his powers should be. It ought to be always in our hands for us to restrict or increase his powers as may be deemed proper at the time.

Mr. KELLOGG. Mr. President, it seems to me that the Senator from Nebraska [Mr. HITCHCOCK] is correct. We have provided by a reservation, known as reservation No. 8, that Congress will provide by law for the appointment of our representatives, and will fix their powers and duties, and from time to time Congress ought to have that power. It is something that we ought not to put in a treaty with any foreign country.

Furthermore, under the third reservation the military forces can not be used without the consent of Congress. I do not think that the reservation should be adopted or that it is proper.

Mr. JONES of Washington. This reservation does not make any contract between us and these other countries. It simply declares to them what our policy is toward our representative. It simply declares to them what permanent restrictions we make upon our member of the council.

Mr. HITCHCOCK. Mr. President—

Mr. JONES of Washington. And notifies them that while this treaty is in effect that representative can not give his consent to any such proposition without action by Congress.

Mr. HITCHCOCK. The Senator says there is no contract, but it is stated in the very first reservation that they do not go into effect until accepted by the other parties.

Mr. JONES of Washington. When they are accepted they simply accept our declaration that this limitation is placed upon our representative in the council.

Furthermore, it is not so much a question as to what future Congresses may do, as the Senator from Minnesota [Mr. KELLOGG] suggests, referring to the proposition in section 8. It is a question of what this Congress, that is ratifying the treaty, wants to say with reference to the representative upon the council which it is helping to create. What do we say about it? Do we want this representative to give his consent to the council involving the use of our Armies and Navies? We may get no legislation, or the legislation we may be able to get defining the powers of this representative may not take away from him his discretion. What do we want to do in ratifying this treaty? I want it declared in the resolution of ratification that our representative on the council can not give his consent to any such decision.

The VICE PRESIDENT. The question is on the reservation offered by the Senator from Washington [Mr. JONES].

Mr. JONES of Washington. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. UNDERWOOD (when Mr. BANKHEAD's name was called). I desire to announce that my colleague [Mr. BANKHEAD] is absent and is paired with the junior Senator from Vermont [Mr. PAGE]. I ask that this announcement may stand for the balance of the day.

Mr. CALDER (when his name was called). On this vote I am paired with the junior Senator from Arizona [Mr. ASHURST]. If at liberty to vote, I would vote "yea."

Mr. CURTIS (when his name was called). I have a pair with the Senator from North Carolina [Mr. SIMMONS]. If at liberty to vote, I should vote "yea."

Mr. MOSES (when his name was called). During the temporary and necessary absence of the Senator from Arkansas [Mr. KIRBY] I have a pair with that Senator. In his absence I withhold my vote. If at liberty to vote, I would vote "yea."

The roll call was concluded.

Mr. OVERMAN. I was requested to announce that my colleague [Mr. SIMMONS] is absent on account of illness in his family. He is paired with the Senator from Kansas [Mr. CURTIS]. If my colleague were present he would vote "nay." I ask that this announcement may stand for the day.

The result was announced—yeas 34, nays 50, as follows:

YEAS—34.

Ball	Capper	Elkins	Frelinghuysen
Borah	Cummins	Fernald	Gore
Brandegee	Edge	France	Gronna

Johnson, Calif.
Jones, Wash.
Kenyon
Knox
La Follette
Lodge

McCormick
McLean
New
Newberry
Norris
Penrose

Phipps
Polindexter
Reed
Sherman
Shields
Smoot

Sutherland
Townsend
Walsh, Mass.
Watson

NAYS—50.

Beckham
Chamberlain
Colt
Dial
Dillingham
Fletcher
Gay
Gerry
Hale
Harding
Harris
Harrison
Henderson

Hitchcock
Johnson, S. Dak.
Jones, N. Mex.
Kellogg
Keyes
King
Lenroot
McCumber
McKellar
McNary
Myers
Nelson
Nugent

Overman
Owen
Phelan
Pittman
Pomerene
Ransdell
Robinson
Sheppard
Smith, Ariz.
Smith, Ga.
Smith, Md.
Smith, S. C.
Spencer

Stanley
Sterling
Swanson
Thomas
Trammell
Underwood
Wadsworth
Walsh, Mont.
Warren
Williams
Wolcott

NOT VOTING—11.

Ashurst
Bankhead
Calder

Culberson
Curtis
Fall

Kendrick
Kirby
Moses

Page
Simmons

So the reservation of Mr. JONES of Washington was rejected.

Mr. GORE. I desire to offer the reservation which I send to the desk and ask to have read.

The VICE PRESIDENT. The Secretary will read the proposed reservation.

The SECRETARY. Add as a separate reservation the following:

No. —. Nothing contained in this treaty or covenant shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions or policy or internal administration of any foreign State; nor shall anything contained in the said treaty or covenant be construed to imply a relinquishment by the United States of America of its traditional attitude toward purely American questions.

Mr. HITCHCOCK. May I inquire if the proposed reservation has been duly read heretofore?

Mr. GORE. Yes; on Saturday last.

Mr. President, I wish to say merely a word concerning the genesis and history of this reservation. It is not a new thing under the sun, although it will be a new thing in the diplomatic history of this country if it should be rejected by the Senate. It is a landmark in the diplomatic history of the United States. It is a literal transcript from the understanding attached by the American representatives to the first Hague conference. I have made a change of only a single word. In lieu of the word "convention" in that understanding I have substituted the words "treaty or covenant." This understanding was proposed by the American delegates and was attached to the first Hague convention as a definition and a preservation of the traditional policy of the United States.

It is also a literal transcript from the understanding proposed by the American delegates and attached to the second Hague convention. There is a variation of only a single word.

I should like to remind Senators that the two Hague conventions looked to the encouragement of international peace and to the avoidance of international war. Those conventions, however, appealed to the moral sense of mankind and invoked only moral forces for the execution of their decrees. Those conventions did not involve the use of armed forces or military intervention in quarrels between nations, and yet the American representatives at those two historic conferences felt obliged, out of an abundance of caution, to submit those understandings and to subscribe to those conventions only after these understandings and these conditions had been attached.

How much more important now, when we contemplate entering into a league of nations which involves an appeal to arms, a resort to military force, and a resort to the economic boycott! It seems to me that we ought to emulate those illustrious examples, and we ought in this reservation to preserve our traditional policy and reassert our resolution not to meddle and intermeddle in the quarrels of Europe that do not concern either the rights, the interests, or the honor of this Republic.

Mr. WALSH of Montana. Mr. President, I believe it is generally recognized as a part of the history of the transactions to which the Senator from Oklahoma refers that the expressions found in this reservation are intended as a reservation of the Monroe doctrine. I make the point of order that the subject is covered by reservation No. 6.

Mr. GORE. Mr. President, I do not think the point of order should be sustained; but, in any event, it can only apply to the last half of the reservation. I ask a separation of the question and ask that the first part be read. I think the Senator from Montana will then see a distinction between the first provision of the reservation and the Monroe doctrine as wide as the universe.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

No. —. Nothing contained in this treaty or covenant shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions or policy or internal administration of any foreign State.

Mr. GORE. Mr. President, I offer the part of the reservation which has just been read as a separate reservation.

The VICE PRESIDENT. Does the Senator from Oklahoma ask for a separate vote on it?

Mr. GORE. Yes, sir.

Mr. WALSH of Montana. Mr. President, unless the rules prohibit him, the Senator from Oklahoma undoubtedly may modify his resolution in any way he sees fit.

The VICE PRESIDENT. The Chair overrules the point of order.

Mr. GORE. I ask for the yeas and nays on the reservation.

The yeas and nays were ordered.

Mr. THOMAS. Before the roll is called, I desire to inquire whether the vote is to be taken upon the first part of the reservation?

The VICE PRESIDENT. No; it is to be upon the entire reservation.

The Secretary proceeded to call the roll.

Mr. JOHNSON of South Dakota (when his name was called). I have a pair with the Senator from Maine [Mr. FERNALD]. In his absence I withhold my vote.

Mr. MOSES (when his name was called). My temporary pair with the Senator from Arkansas [Mr. KIRBY] still holds good. I therefore withhold my vote. If permitted to vote, I should vote "yea."

Mr. SMITH of Maryland (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM]. In his absence I withhold my vote. If I were privileged to vote, I should vote "nay."

The roll call was concluded.

Mr. WATSON (after having voted in the affirmative). Has the senior Senator from Delaware [Mr. WOLCOTT] voted?

The VICE PRESIDENT. He has not.

Mr. WATSON. Having a pair with that Senator, in his absence I withdraw my vote.

Mr. CURTIS. I have a pair with the Senator from North Carolina [Mr. SIMMONS], and therefore withhold my vote.

The result was announced—yeas 28, nays 50, as follows:

YEAS—28.

Ball	Frelinghuysen	La Follette	Poindexter
Borah	Gore	Lodge	Reed
Brandegee	Gronna	McCormick	Sherman
Capper	Harding	McLean	Shields
Cummins	Johnson, Calif.	New	Sutherland
Elkins	Jones, Wash.	Norris	Wadsworth
France	Knox	Penrose	Walsh, Mass.

NAYS—50.

Beckham	Jones, N. Mex.	Overman	Spencer
Chamberlain	Kellogg	Owen	Stanley
Colt	Kendrick	Phelan	Sterling
Dial	Keyes	Phipps	Swanson
Edge	King	Pittman	Thomas
Fletcher	Lenroot	Pomerene	Townsend
Gay	McCumber	Ransdell	Trammell
Gerry	McKellar	Robinson	Underwood
Hale	McNary	Sheppard	Walsh, Mass.
Harris	Myers	Smith, Ariz.	Warren
Harrison	Nelson	Smith, Ga.	Williams
Henderson	Newberry	Smith, S. C.	
Hitchcock	Nugent	Smoot	

NOT VOTING—17.

Ashurst	Dillingham	Kirby	Watson
Bankhead	Fall	Moses	Wolcott
Caldor	Fernald	Page	
Cullerson	Johnson, S. Dak.	Simmons	
Curtis	Kenyon	Smith, Md.	

So the reservation proposed by Mr. GORE was rejected.

Mr. FRANCE. I offer a reservation, which I ask may be read.

The VICE PRESIDENT. The Secretary will read as requested.

The SECRETARY. At the close of reservation 2 it is proposed to add the following:

Provided, That the United States shall have the privilege of nominating at any time any nonmember nation of the world for membership in the league of nations and the privilege of offering at any time any amendment to the league covenant, and in case unfavorable action shall be taken by the league, resulting in a failure to elect to membership the nation so nominated or a rejection of the proposed amendment, the United States reserves the right to withdraw immediately without condition or notice.

Mr. FRANCE. Mr. President, the proposed reservation speaks for itself. I do not ask for the yeas and nays upon it.

The VICE PRESIDENT. The question is upon the reservation proposed by the Senator from Maryland.

The reservation was rejected.

Mr. FRANCE. I offer another reservation.

The VICE PRESIDENT. The reservation proposed by the Senator from Maryland will be read.

The SECRETARY. It is proposed to add at the proper place the following:

Except that, in accordance with the principles declared in article 22, that the tutelage of the peoples which are no longer under the sovereignty of the States which formerly governed them and which are not yet able to stand by themselves should be intrusted to the advanced nations who can best undertake this responsibility, the principal allied and associated powers shall renounce in favor of the United States all their rights and titles to the colonies and territories in Africa formerly held by Germany and transferred by Germany to said principal allied and associated powers under articles 119 to 127, inclusive, and the United States shall act as mandatory of such territories to the end that the inhabitants of these colonies and territories may be civilized, educated, and fitted for self-determination, and to the further end that the United States shall closely cooperate with Great Britain, France, and Belgium and with such other powers as have interests in Africa in a permanent, progressive, and upbuilding policy for the development of all of the peoples and resources of Africa, and further that the ratification of this treaty by the United States shall be only on condition that the principal allied and associated powers take such action as is herein provided by the renunciation of such rights and titles to the United States.

Mr. FRANCE. Mr. President, I have already discussed this reservation, so I shall not delay the Senate by any further remarks upon it. I should be pleased, however, to have a yeas-and-nays vote upon it.

The VICE PRESIDENT. The question is on the reservation offered by the Senator from Maryland, on which the yeas and nays are requested.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I make the same announcement as before with regard to my pair and withhold my vote. If at liberty to vote, I should vote "nay."

Mr. JOHNSON of South Dakota (when his name was called). Making the same announcement that I made a while ago, I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. MOSES (when his name was called). Repeating the announcement of my pair with the Senator from Arkansas [Mr. KIRBY], in his absence I withhold my vote.

The roll call was concluded.

Mr. LODGE. I have a general pair with the senior Senator from Georgia [Mr. SMITH]. In his absence I withhold my vote.

Mr. WATSON. I have a general pair with the senior Senator from Delaware [Mr. WOLCOTT]. In his absence I withhold my vote.

The result was announced—yeas 3, nays 71, as follows:

YEAS—3.

Ball	France	Sherman
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NAYS—71.

Beckham	Harris	Nelson	Smith, Md.
Borah	Harrison	New	Smith, S. C.
Brandegee	Henderson	Newberry	Smoot
Capper	Hitchcock	Nugent	Spencer
Chamberlain	Jones, N. Mex.	Overman	Stanley
Colt	Jones, Wash.	Owen	Sterling
Cummins	Kellogg	Penrose	Sutherland
Dial	Kendrick	Phelan	Swanson
Dillingham	Kenyon	Phipps	Thomas
Edge	Keyes	Pittman	Townsend
Elkins	King	Poindexter	Trammell
Fletcher	La Follette	Pomerene	Underwood
Frelinghuysen	Lenroot	Ransdell	Wadsworth
Gay	McCormick	Reed	Walsh, Mass.
Gerry	McCumber	Robinson	Walsh, Mont.
Gronna	McKellar	Sheppard	Warren
Hale	McNary	Shields	Williams
Harding	Myers	Smith, Ariz.	

NOT VOTING—21.

Ashurst	Fernald	Lodge	Smith, Ga.
Bankhead	Gore	McLean	Watson
Caldor	Johnson, Calif.	Moses	Wolcott
Cullerson	Johnson, S. Dak.	Norris	
Curtis	Kirby	Page	
Fall	Knox	Simmons	

So Mr. FRANCE's reservation was rejected.

Mr. OWEN. Mr. President, I offer a reservation, upon which I do not ask the yeas and nays.

The VICE PRESIDENT. The reservation will be stated.

The Secretary read as follows:

The United States holds that the principles covered by the letter of the Secretary of State of November 5, 1918, as the conditions upon which the armistice was based, are binding and the covenant of the league must be interpreted in accordance with those principles.

Mr. LA FOLLETTE. Mr. President, I ask for the yeas and nays on that reservation.

The VICE PRESIDENT. Is the request seconded? [A pause.] It is not seconded.

Mr. PENROSE. I should like to have the reservation read again.

The VICE PRESIDENT. The Secretary will read the reservation again.

The Secretary again stated the proposed reservation.

Mr. LA FOLLETTE. Mr. President, as I understand that reservation, it involves the "14 points," and upon it I ask for the yeas and nays.

Mr. PENROSE. Out of respect to the points?

Mr. LA FOLLETTE. Out of respect to the disappearing points.

The VICE PRESIDENT. Is the request seconded? [A pause.] It is not seconded by one-fifth of those present. The question is on the reservation offered by the Senator from Oklahoma.

The reservation was rejected.

Mr. OWEN. I reserve the right to reoffer in the Senate the reservations which I have heretofore offered in Committee of the Whole.

The VICE PRESIDENT. Are there further reservations?

Mr. JONES of Washington. Mr. President, I offer the reservation which I send to the desk.

The VICE PRESIDENT. The reservation will be stated.

The Secretary read as follows:

Paragraph—The United States hereby gives notice that it will withdraw from the league of nations at the end of two years from the date of the exchange of ratifications of this treaty unless by the end of that period—

(1) The sovereignty of China shall have been fully restored over and in Shantung.

(2) The relations of Ireland to the British Empire shall have been adjusted satisfactorily to the people of Ireland.

(3) The independence of Egypt shall be recognized and that country set up as a free, independent, and sovereign State.

(4) Each member of the league shall have abolished through the duly constituted authority the policy of maintaining its regular military and naval forces in time of peace by conscription.

Mr. JONES of Washington. Mr. President, just a word.

I think these four grounds on which we give notice of withdrawal unless they are complied with are in accord with the sentiment and the fundamental principles of our people and this Government, and we ought not to continue associated with countries that are not in harmony with them.

The first ground for withdrawal is unless the sovereignty of China shall have been fully restored over and in Shantung. We have not had a single word on this floor justifying the action with reference to Shantung. Everybody denounces it. Everybody condemns it. We have adopted a rather strong reservation with reference to it—that is, we have withheld our consent—but that does not accomplish anything. In my judgment, if we advise these people that unless Shantung is restored in two years we will withdraw from the league of nations, that restoration will take place. Furthermore, Japan has promised to do it. This will not hurt her pride. We give her two years in which to fulfill that promise; I believe she will do it.

The second ground for withdrawal is, unless the relations of Ireland to the British Empire shall have been adjusted satisfactorily to the people of Ireland.

If there are any people that are entitled to their independence, it is the Irish people. They have been fighting for it since for more than a century. They have shown their capacity in every walk and position of life, in every civilized country on the face of the earth, and upon every important battle field in the history of the world during the last hundred years. They are certainly entitled to their independence. The Senate, by almost a unanimous vote, expressed its sentiment along these lines some time ago. Now, we give the British Empire two years in which to make a satisfactory adjustment of their relations with the Irish people. If they do not do it, we ought not to stay associated with a country that will not give people like the Irish their independence.

The third ground is, unless the independence of Egypt shall be recognized and that country set up as a free, independent, and sovereign State.

When this war began, Egypt was an independent country, nominally under the suzerainty of Turkey. When Turkey entered the war, Egypt became, under international law, a free and independent country, and joined the Allies in the war. England declared a protectorate over Egypt; but, relying upon the justice that they thought England would afford to them these people understood, and they had a right to understand, that this was simply temporary, and that when the war ended they would be granted their independence. I have been informed that a million Egyptians went to the battle front in this Great War. They fought bravely.

I see it reliably reported that Gen. Allenby stated in a speech that the Egyptians were largely responsible for his success in Palestine against the Turks.

Mr. President, Egypt is a people of 13,000,000 souls, with 350,000 square miles of territory, whose history runs back many thousand years, a people who ought to be independent, a people

who had a right to expect their independence at the close of this war, a people who had a right to expect to be treated as an independent country. The English representatives since 1882 have declared over and over again that their occupation of Egypt was simply temporary; that they were not intending to interfere with the sovereignty of Egypt or its independence.

Mr. President, that country ought to be independent. It is occupied now by English forces, and the civilized world would probably be shocked if it knew what was taking place there—the very things that almost always take place where an alien army is occupying a country. It does not make any difference how civilized the country may be from which these armies come; they are reliably charged of being guilty of outrages that would bring the blush of shame to the cheeks of civilized people.

Mr. POMERENE. I hope the Senator does not mean to have that remark apply to American troops when they were abroad.

Mr. JONES of Washington. Mr. President, my recollection is that we had very serious charges made even against American troops while they were occupying the Philippines. It would not be true of American troops generally, and I hope never, but when you gather together thousands of men you will find some among them, even though they may all profess to be preachers of the gospel, who will not act just right under all circumstances. You take thousands of soldiers and put them over an alien people against that people's will and you will have trouble and outrages.

Here is what the British troops are doing in Egypt.

Mr. WILLIAMS. What is the Senator reading from?

Mr. JONES of Washington. I am reading from a statement made by the Egyptian representatives, based upon affidavits submitted by their people. I do not vouch, of course, for the truth of it, but the affidavits are made under the solemn obligations of an oath, by people who are vouched for as Egyptians of high standing and position, as respectable and responsible; and I have seen no denial from any representative of the English Government.

(a) On March 30, an armored train, transporting several hundred British soldiers, stopped above the village of Chobak. A certain number of soldiers penetrated the village, pillaging everything that was within their reach without encountering the slightest resistance. They attacked the honor of women. A husband who wished to interfere was immediately shot. Soon the soldiers spread themselves throughout the village and committed the most shameful excesses upon the women. Woe to her who wished to defend herself; she was immediately struck down. Woe to the man who wished to intervene; he underwent the same fate. After the village was burned, 144 houses were destroyed. There remains standing of this village only 56 houses. Twenty-one people were killed and 12 wounded. Some underwent a refined martyrdom. The soldiers buried the assistant mayor, his son, brother, and two other persons up to their waists and cut them up with their bayonets until they were dead.

I have examined the affidavits upon which this statement is based, and they bear it out. As I say, I do not vouch for the truth of it. I am sure it does not show the general character of British soldiers or of the British Army. But it is, in my judgment, Mr. President, what we may expect when an alien army is occupying territory against the will of the native or local people, and trying to control and govern them against their will.

Mr. WILLIAMS. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Mississippi?

Mr. JONES of Washington. I yield to the Senator.

Mr. WILLIAMS. I suppose, as a matter of fact, of course that the Senator is not acquainted with any of the people who made the affidavits?

Mr. JONES of Washington. Oh, no; not personally.

Mr. WILLIAMS. The Senator is prepared, then, on the printed affidavits of interested parties, purporting to come from respectable people, to believe of Scotchmen and Englishmen and Welshmen and Irishmen, who constitute the British Army, a villainous thing like that?

Mr. JONES of Washington. Mr. President, I do not know whether these were Scotchmen; I do not know whether these were Irishmen—

Mr. WILLIAMS. The Senator said the British Army.

Mr. JONES of Washington. The British Army, Mr. President, is composed of people from almost every part of the world. It was a part of the British Army, under control of British officers, under the dominion of the British Government, exercising the authority of the British Government.

Mr. WILLIAMS. If it was not an army of Britons, it may have been an army of native Egyptians, for all the Senator knows.

Mr. JONES of Washington. I do not know their nationality. It is charged they were commanded by British officers and they were a part of the British Army. But, Mr. President, the

affidavits show that they were not Egyptians. But, as I say, I do not vouch for the truth of it. The Senator has absolutely no proof that that is not true.

Mr. WILLIAMS. I never heard of it.

Mr. JONES of Washington. And these people are vouched for by people who are honorable people.

Mr. WILLIAMS. But when an incredible thing is stated, I never heard that it was incumbent upon one to prove the negative.

Mr. JONES of Washington. Undisputed affidavits of respectable people certainly make a prima facie case. Of course, there are a lot of things that I have never seen but which I know exist. There are a lot of people whom I have not seen but whom I know to be honorable and respectable people. There are a lot of people with whom I am not personally acquainted but of whom I have heard and whom I know to be honorable and respectable. These affidavits go into detail with such specific statements that there is certainly some foundation for the charges made.

But, Mr. President, as I said a moment ago, and the Senator from Mississippi knows that it is true, we must expect things like that where an alien army, an alien force, is occupying a country against the will of the people. It is against such occupation and control that I protest.

So, Mr. President, I would like to give England two years within which to withdraw her protectorate from Egypt, take her troops away, and let these people go the way they want to go and ought to go, and live the life they want to live, and which their history shows they are entitled to live.

Here is a matter that is of very vital importance to us:

Each member of the league shall have abolished through the duly constituted authority the policy of maintaining its regular military and naval forces in time of peace by conscription.

Conscription in time of peace is a policy that is contrary to the history and traditions of this country. I voted for conscription at the beginning of this war. I thought it was the wise thing to do. I still think we did the wise thing. But I do not believe in conscription as a permanent policy in time of peace for the maintenance of an army. I believe that policy does more to promote war among people and among nations than any other policy that nations have followed, and I believe this country could have done more for world peace if our representatives at the peace table had insisted that as a part of the disarmament policy there should be an express provision put in abolishing the policy of conscription for maintaining naval or military forces in time of peace than by insisting upon any other one thing. That, in my judgment, would have done more to insure peace among the nations of the earth than anything else. It means more to the homes of the land, to the fathers and mothers of the land; more to labor and to every class of people than any other policy. It would mean much to them to know that in time of peace no government on the face of the earth could reach out its strong arm and take of its boys and its manhood to maintain an armed military force. If the dread of conscription were lifted from the hearts and homes of the world as the result of this peace, men and women would, indeed, feel that this war had not been in vain. Mr. President, this reservation should be adopted.

The VICE PRESIDENT. The question is on the reservation offered by the Senator from Washington [Mr. JONES].

The reservation was rejected.

Mr. JONES of Washington. I did not ask for a yea-and-nay vote, for it would have involved calling for a quorum.

The VICE PRESIDENT. Are there further reservations to be offered as in Committee of the Whole?

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Gronna	Lenroot	Ransdell
Borah	Hale	Lodge	Robinson
Brandegee	Harding	McCumber	Sheppard
Capper	Harris	McKellar	Smith, Md.
Chamberlain	Harrison	McNary	Smoot
Colt	Henderson	Moses	Spencer
Curtis	Hitchcock	Myers	Sterling
Dial	Johnson, Calif.	New	Sutherland
Dillingham	Johnson, S. Dak.	Newberry	Trammell
Edge	Jones, N. Mex.	Norris	Wadsworth
Elkins	Jones, Wash.	Nugent	Walsh, Mass.
Fernald	Kellogg	Owen	Walsh, Mont.
Fletcher	Kendrick	Penrose	Warren
France	Kenyon	Phelan	Watson
Frelinghuysen	Keyes	Philips	Williams
Gay	Kirby	Pittman	
Gerry	Knox	Polindexter	
Gore	La Follette	Pomeroy	

The VICE PRESIDENT. Sixty-eight Senators have answered to their names. There is a quorum present. Are there any further reservations to be offered as in Committee of the Whole?

I. INSURING TO ALL PEOPLES THE RIGHT OF SELF-GOVERNMENT.

Mr. LA FOLLETTE. Mr. President, I offer the reservation numbered 1 in the printed leaflet of reservations proposed by me.

The VICE PRESIDENT. The Secretary will read the proposed reservation.

The Secretary read as follows:

1. That nothing contained in article 11 of the league covenant, or any other provision thereof, shall be construed to deny to the people of Ireland, India, Egypt, Korea, or to any other people living under a Government which, as to such people, does not derive its powers from the consent of the governed, the right of revolution, or the right to alter or abolish such government, and to institute a new government, laying its foundations in such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness.

Mr. LA FOLLETTE. Mr. President, in discussing this reservation, I wish to quote briefly from the addresses of President Wilson, made on his recent western trip.

At St. Louis, Mo., September 5, 1919, the President declared that—

every man who sat at that board (at Paris) held that the right of revolution was sacred and must not be interfered with. Any kind of a row can happen inside and it is nobody's right to interfere.

Again, at Pueblo, Colo., September 25, 1919, the President said:

There was not a man at that table who did not admit the sacredness of the right of self-determination, the sacredness of the right of any body of people to say that they would not continue to live under the Government they were then living under, and under article 11 of the covenant they are given a place to say whether they will live under it or not.

Now, Mr. President, I find myself in complete agreement with our Chief Executive in his avowal that the right of revolution is sacred.

But in his easy confidence that articles 10 and 11 amply protect that right, I am unable to share. I therefore offer this reservation, which protects in explicit terms the right which the President admits and which he professes he is anxious to protect. Certainly no man, sincere in his attachment to that right, can vote against such a safeguarding reservation.

In order to keep strictly within the time to which I have limited myself on each one of my proposed reservations I will simply say that article 11 of the covenant undoubtedly would be construed to bind the members of the league to suppress rebellion or revolution wherever rebellion or revolution may occur.

It provides that "any war" or even any "threat of war"—which, of course, includes rebellious and civil wars anywhere in the world—is the business of the league, and that the league shall take any action that may be deemed wise to preserve the peace; that is, to suppress the rebellion or put down the revolution.

Article 10 covers the whole field of wars of aggression and wars of nations against nations, so there can be no doubt that article 11 is intended and will be construed to bind us to aid Great Britain or any other imperialistic country to beat her unwilling subjects into submission.

The reservation proposed adopts the language of the Declaration of Independence, and simply prevents the United States from being obligated to help Great Britain put down rebellion in Ireland, in India, or Egypt, or elsewhere, or to help Japan or any other country engaged in exploiting weaker or less warlike people.

I want it clear upon the record that a vote against this reservation is a vote to line up the United States with the autocratic Governments of the world against the oppressed peoples of the world. It is a vote for a policy that would have doomed our Revolutionary War to failure and would have condemned George Washington and his associates as traitors and held the people of this country forever as vassals of Great Britain. It is in the final analysis a vote against the fundamental principle of the Declaration of Independence—the sacred right of revolution contended for by Jefferson and Lincoln. On this reservation I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). Again making announcement of my pair with the Senator from North Carolina [Mr. SIMMONS] I withhold my vote.

Mr. GERRY (when his name was called). I have a pair with the Senator from Michigan [Mr. TOWNSEND]. In his absence, I withhold my vote.

Mr. WATSON (when his name was called). I have a pair with the senior Senator from Delaware [Mr. Wolcott]. In his absence I withhold my vote. If I were at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. CURTIS. I desire to announce that the senior Senator from Massachusetts [Mr. Lodge] is paired with the senior Senator from Georgia [Mr. Smith].

Mr. SMITH of Georgia (after having voted in the negative). I had risen to withdraw my vote. I find that the senior Senator from Massachusetts [Mr. Lodge], with whom I have a pair, has not voted. I therefore withdraw my vote.

Mr. CHAMBERLAIN. I have a pair with the junior Senator from Pennsylvania [Mr. Knox]. In his absence I withhold my vote.

Mr. ROBINSON. I have a pair with the senior Senator from Iowa [Mr. Cummins]. I transfer that pair to the Senator from North Carolina [Mr. Overman] and vote "nay."

Mr. CURTIS. I wish to announce that the Senator from Vermont [Mr. Page] is paired with the Senator from Alabama [Mr. Bankhead], and that the Senator from New York [Mr. Calder] is paired with the Senator from Arizona [Mr. Ashurst].

The result was announced—yeas 24, nays 49, as follows:

YEAS—24.			
Ball	France	La Follette	Penrose
Borah	Frelinghuysen	McCormick	Phipps
Brandegee	Gore	Moses	Reed
Capper	Gronna	New	Shields
Clarks	Johnson, Calif.	Newberry	Wadsworth
Fernald	Jones, Wash.	Norris	Walsh, Mass.
NAYS—49.			
Beckham	Johnson, S. Dak.	Nugent	Stanley
Colt	Jones, N. Mex.	Owen	Sterling
Dial	Kellogg	Pittman	Sutherland
Dillingham	Kendrick	Polindexter	Swanson
Edge	Kenyon	Pomerene	Thomas
Fletcher	Keyes	Ransdell	Trammell
Gay	King	Robinson	Underwood
Hale	Kirby	Sheppard	Walsh, Mont.
Harding	Lenroot	Smith, Ariz.	Warren
Harris	McCumber	Smith, Md.	Williams
Harrison	McKellar	Smith, S. C.	
Henderson	McNary	Smoot	
Hitchcock	Myers	Spencer	
NOT VOTING—22.			
Ashurst	Curtis	Nelson	Smith, Ga.
Bankhead	Fall	Overman	Townsend
Calder	Gerry	Page	Watson
Chamberlain	Knox	Phelan	Wolcott
Culbertson	Lodge	Sherman	
Cummins	McLean	Simmons	

So Mr. LA FOLLETTE'S reservation was rejected.

II. ABOLISHING CONSCRIPTION.

Mr. LA FOLLETTE. Mr. President, before I offer the next reservation I want to submit for about three or four minutes some brief observations, which, in order to bring myself within a limited compass and not to waste my time, I have reduced to writing.

Do we really want a league of nations that shall insure an enduring peace? If we do, let us have done with fine spun sophistries and get down to bedrock fundamentals. Let us have no more diplomatic evasion; no more rhetorical flimflam. Let us dig down through the mass of falsehood under which the war makers have buried the real cause of all war, pluck it forth, and destroy it forever.

The formula is simple because it is born of truth.

Embody in the international agreement to be entered into, those terms which the experience of mankind proves will prevent future war.

Exact from each contracting nation binding covenants, with proper guarantees, to—

First. Abolish enforced military service.

Second. Declare or make no war, except to repel actual invasion of territory, without first submitting the question of war, or no war, to a vote of the qualified electors of the country.

If you want real peace that is the way to get it. If you want an enduring peace you can assure it by putting into the league of nations covenant those provisions. If this really was a war for democracy—and nobody now seriously asserts that it was—let us by our votes redeem our promises by taking the war-making power out of the hands of the rulers in all countries and putting it into the hands of the people in all countries.

We do not need to restrain the peoples of different countries from making war upon each other. We do need to restrain the ruling class of every country from inciting or compelling its people to war upon those of some other country. That is the cause of all war.

Put this matter into the hands of the people and they will speedily take care of the question of disarmament, both on

land and on sea. They have no profits to make and no ambitions to further by the maintenance of a large army in time of peace. On the contrary, since the people must pay the bills for the Military Establishment they have every reason to see it reduced to the minimum even in time of peace. In time of war they have learned by bitter experience that theirs is the blood and treasure which is sacrificed, while the more favored classes reap the profits and the honors. The people, therefore, readily see what "statesmen" and "diplomats" apparently can not discern, namely, that if any country in the league of nations has an army or a navy substantially superior to that of the other countries, then the league of nations might better not exist, for it will make for war and not for peace. The people of this country can also be trusted to see so plain a thing as that we are concerned less about the size of the standing army than any European country may maintain than we are concerned about the size of the navy that any European country may maintain. That is the more important question.

The navy of one country of the league of nations—which, of course, to be effective must include all the great nations of the world—does not need to overmatch or, indeed, equal the combined strength of the other navies in order to make a mockery of the league. It only needs to be powerful enough so that, in combination with the navy of one or possibly two other countries, whose interests may be identical or similar in the case of any particular controversy, it can bid defiance to the combined naval strength of the remaining members of the league. A nation with a navy thus superior would bend every other nation in the league to its will. It would be immune to those restrictions which would be enforced against a weaker country, since the resistance of the latter, either alone or in combination, would not be feared. It would simply be the bully of the high seas. The naval supremacy of one nation of the league spells defeat for the entire plan.

The representatives of the United States at the peace conference surrendered without a protest to Great Britain that supreme privilege of having the Navy that should dominate the seven seas. It was the boast of Lloyd-George, made in June, 1917, shortly after we had entered the war, in his Glasgow speech, that Great Britain would rule the waves during the war and after the war; and Woodrow Wilson, without so much as an audible protest, surrendered to Great Britain the right to dominate the seas.

The right to dominate the seas is the right to dominate commerce, the right to dominate trade routes, the right to be master of the industrial and commercial world. That has been given away by the self-chosen representative of the people of the United States at the peace conference, and the Senate is about to ratify, cringing and abjectly, the work of that representative.

Mr. President, the remedy is plain, if we desire to have a remedy for this sort of thing and to apply it. No nation must be permitted to maintain either an army or a navy so formidable that either alone or in combination with other countries likely to be united with it in interest will it be able to become a menace to the naval or military strength of the league.

I have reservations yet to be voted upon here which will, if adopted, save the United States from committing itself to the surrender to Great Britain and the other powers of the right to maintain naval and military establishments that will permit them to dominate the world. The reservation I now propose requires disarmament both upon the land and upon the high seas.

Shall we forget that we gave to the world as the moving reason for our going into the Great War the interference with our rights upon the high seas? Has any Senator in this Chamber, has any citizen of this country forgotten the rhetorical fulminations that emanated from Woodrow Wilson about the sacredness of our rights upon the seas—open pathways of commerce; the right to pursue our commerce peacefully and without interruption?

That was followed, Mr. President, by an appeal to Congress to challenge Germany to war because in trying to protect her people against starvation she had sunk three or four vessels. So we went to war for our sea rights. We did not conduct a war to maintain our sea rights. If we had, we would have had a naval war. But no; we opened, under the leadership of our Chief Magistrate, the dreamland of pursuing democracy into every quarter and corner of the globe; we conducted a land war in a foreign country; and after having made the issue upon our rights on the sea, we threw that into the dust heap and permitted Great Britain to come out of this war with the right to dominate the seas.

Sir, if we taxed our people—on top of the \$30,000,000,000 of war taxes already imposed upon them—to the last limit of

endurance, we could not catch up with Great Britain in her naval equipment in a period of 50 years. She will dominate the seas unless you adopt some provision here that will require a limitation. I have offered some reservations to that end.

Now, Mr. President, I propose reservation No. 2, and ask the Secretary to read it. I presume that will not come out of my time.

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). The reservation proposed by the Senator from Wisconsin will be read.

The Secretary read as follows:

2. The United States hereby gives notice that it will withdraw from the league at the end of one year from the date of the exchange of ratifications of this treaty, unless within that time each member of the league shall abolish and discontinue the policy of maintaining its army or navy in time of peace by conscription.

The PRESIDING OFFICER. The question is upon the reservation offered by the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, the vote upon this proposed reservation will give Senators an opportunity to record themselves for or against the policy of maintaining armies in time of peace by conscription.

The people of this country, having just fought a war to crush militarism in Germany, are not in favor of setting up a system in this country similar to that which has been destroyed abroad. The reservation I have proposed serves notice that the United States will retire from the league unless all members take the first step toward ending war by abolishing conscription. A vote against this reservation is a vote for conscription. Upon this reservation I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a second?

Mr. GERRY. I suggest the absence of a quorum.

Mr. LA FOLLETTE. I should like—

The PRESIDING OFFICER. There seemed to have been a sufficient number to second the demand, and the presiding officer was about to announce that fact when the Senator from Rhode Island suggested the absence of a quorum.

Mr. LA FOLLETTE. I do not think that the count and announcement can be interrupted in that way. I ask for a report upon the demand made by me.

The PRESIDING OFFICER. There were a sufficient number to second the demand.

Mr. LA FOLLETTE. And the roll call is ordered?

The PRESIDING OFFICER. Yes; the yeas and nays are ordered.

Mr. LA FOLLETTE. Now, the Senator from Rhode Island can have a roll call, if he wants it.

Mr. GERRY. I think I am entitled to have it anyway, Mr. President.

Mr. LA FOLLETTE. Well, I will ask for it in order to assure a good attendance here.

The PRESIDING OFFICER. Does the Senator from Wisconsin suggest the absence of a quorum?

Mr. LA FOLLETTE. Yes, I do.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Hale	McKellar	Shields
Capper	Harding	McNary	Smith, Md.
Chamberlain	Harris	Moses	Smith, S. C.
Colt	Jones, Wash.	Newberry	Smoot
Curtis	Kellogg	Norris	Spencer
Dillingham	Kenyon	Nugent	Sutherland
Fernald	Keyes	Overman	Swanson
Fletcher	King	Owen	Trammell
France	Kirby	Penrose	Underwood
Frelinghuysen	Knox	Phelps	Wadsworth
Gay	La Follette	Pittman	Walsh, Mass.
Gerry	Lenroot	Reed	Warren
Gore	McCormick	Sheppard	Watson
Gronna	McCumber		

Mr. CURTIS. I again desire to announce the pair of the Senator from Massachusetts [Mr. LODGE] with the Senator from Georgia [Mr. SMITH].

The PRESIDING OFFICER. Fifty-five Senators having answered to their names, there is a quorum present.

Mr. LA FOLLETTE. Mr. President, I ask that the pending reservation be stated to the Senate before the roll call which has been ordered takes place.

The PRESIDING OFFICER. The Secretary will state reservation No. 2, offered by the Senator from Wisconsin.

The Secretary read as follows:

2. The United States hereby gives notice that it will withdraw from the league at the end of one year from the date of the exchange of ratifications of this treaty, unless within that time each member of the league shall abolish and discontinue the policy of maintaining its army or navy in time of peace by conscription.

The PRESIDING OFFICER. On this reservation the yeas and nays have been called for and ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). Again announcing my pair with the Senator from North Carolina [Mr. SIMMONS], I withhold my vote.

Mr. GERRY (when his name was called). Making the same announcement as on the last roll call, I withhold my vote.

Mr. CURTIS (when Mr. LODGE's name was called). I again announce that the Senator from Massachusetts [Mr. LODGE] is paired with the Senator from Georgia [Mr. SMITH].

Mr. ROBINSON (when his name was called). I have a pair with the Senator from Iowa [Mr. CUMMINS]. If I were at liberty to vote, I should vote "nay."

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. WOLCOTT]. In his absence, I withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New York [Mr. CALDER] with the Senator from Arizona [Mr. ASHURST]; and

The Senator from Vermont [Mr. PAGE] with the Senator from Alabama [Mr. BANKHEAD].

The roll call having been concluded, the result was announced—yeas 21, nays 54, as follows:

YEAS—21.

Borah	Gore	Knox	Reed
Brandege	Gronna	La Follette	Sherman
Capper	Harding	McCormick	Walsh, Mass.
Fernald	Johnson, Calif.	Moses	
France	Jones, Wash.	Norris	
Frelinghuysen	Kenyon	Penrose	

NAYS—54.

Ball	Johnson, S. Dak.	Nugent	Spencer
Beckham	Jones, N. Mex.	Overman	Stanley
Chamberlain	Kellogg	Phelan	Sterling
Colt	Kendrick	Phelps	Sutherland
Dial	Keyes	Pittman	Swanson
Dillingham	King	Polindexter	Thomas
Edge	Kirby	Pomerene	Trammell
Fletcher	Lenroot	Ransdell	Underwood
Gay	McCumber	Sheppard	Wadsworth
Hale	McKellar	Shields	Walsh, Mont.
Harris	McNary	Smith, Ariz.	Warren
Harrison	Myers	Smith, Md.	Williams
Henderson	New	Smith, S. C.	
Hitchcock	Newberry	Smoot	

NOT VOTING—20.

Ashurst	Curtis	McLean	Simmons
Bankhead	Elkins	Nelson	Smith, Ga.
Calder	Fall	Owen	Townsend
Culbertson	Gerry	Page	Watson
Cummins	Lodge	Robinson	Wolcott

So reservation No. 2, offered by Mr. LA FOLLETTE, was rejected.

III. GIVING THE PEOPLE OF ALL NATIONS A REFERENDUM VOTE ON WAR.

Mr. LA FOLLETTE. I offer now reservation No. 3, page 2 of the leaflet, on which is printed the reservations that I submitted and which I gave notice that I would call up.

The PRESIDING OFFICER. The Secretary will read the proposed reservation.

The Secretary read as follows:

3. The United States hereby gives notice that it will withdraw from the league at the end of five years from the date of the exchange of ratifications of this treaty, unless within that time each member of the league shall have agreed that in no case will it resort to war except to suppress an insurrection or repel an actual invasion of its territory until an advisory vote of its people has first been taken on the question of peace or war.

Mr. LA FOLLETTE. Mr. President, there is an opportunity here now to test the genuineness of the professions made that this was a "war to end war."

If that was not a hypocritical pretense, then there should be embodied somewhere in the covenant that creates this league of nations and defines its power some provision with respect to leaving to the people who are to fight the wars and pay the debts which war entails some voice in the determination of whether or not the war shall be fought.

I tender this reservation as defining that issue, and on it, Mr. President, knowing well what its fate will be here, but having faith as to what this issue may mean when it is presented to the people of the country, as it will be, I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). Making the same announcement as before in reference to my pair, I withhold my vote.

Mr. GERRY (when his name was called). I make the same announcement of my pair as on the last vote, and withhold my vote.

Mr. CURTIS (when the name of Mr. SMITH of Georgia was called). I announce the pair of the Senator from Massachusetts [Mr. LODGE] with the Senator from Georgia [Mr. SMITH]. The roll call was concluded.

Mr. GERRY. I wish to announce that the Senator from Nebraska [Mr. HITCHCOCK], the Senator from Arizona [Mr. ASHURST], and the Senator from Georgia [Mr. SMITH] are necessarily absent.

Mr. CURTIS. I have been requested to announce that the Senator from Vermont [Mr. PAGE] is paired with the Senator from Alabama [Mr. BANKHEAD], and that the Senator from New York [Mr. CALDER] is paired with the Senator from Arizona [Mr. ASHURST].

Mr. KIRBY. I announce the necessary absence of the senior Senator from Arkansas [Mr. ROBINSON], who is paired with the senior Senator from Iowa [Mr. CUMMINS].

The result was announced—yeas 13, nays 58, as follows:

YEAS—13.

Borah	Fernald	Jones, Wash.	Sherman
Brandeggee	France	La Follette	
Capper	Gore	Norris	
Elkins	Gronna	Penrose	

NAYS—58.

Beckham	Jones, N. Mex.	Nugent	Spencer
Chamberlain	Kellogg	Overman	Stanley
Colt	Kendrick	Owen	Sterling
Dial	Kenyon	Phipps	Sutherland
Dillingham	Keyes	Pittman	Swanson
Edge	King	Poindexter	Thomas
Fletcher	Kirby	Pomerene	Trammell
Frelinghuysen	Lenroot	Randsell	Underwood
Gay	McCumber	Reed	Wadsworth
Hale	McKellar	Sheppard	Walsh, Mass.
Harding	McNary	Shields	Walsh, Mont.
Harris	Moses	Smith, Ariz.	Warren
Harrison	Myers	Smith, Md.	Williams
Henderson	New	Smith, S. C.	
Johnson, S. Dak.	Newberry	Smoot	

NOT VOTING—24.

Ashurst	Curtis	Lodge	Robinson
Ball	Fall	McCormick	Simmons
Bankhead	Gerry	McLean	Smith, Ga.
Calder	Hitchcock	Nelson	Townsend
Culberson	Johnson, Calif.	Page	Watson
Cummins	Knox	Phelan	Wolcott

So Mr. LA FOLLETTE's reservation No. 3 was rejected.

IV. LIMITATION OF ARMAMENTS.

Mr. LA FOLLETTE. I offer reservation numbered 4 of the reservations printed on the leaflet, which I have heretofore presented to the Senate and had read.

The VICE PRESIDENT. The Secretary will read the proposed reservation.

The Secretary read as follows:

4. The United States hereby gives notice that it will withdraw from the league of nations at the end of any year during a period of five years from the date of the exchange of ratifications of this treaty, unless during each and every year of the five-year period every member of the league now expending in excess of \$50,000,000 for the maintenance of its military forces or in excess of a like sum for the maintenance of its naval establishment shall fail to reduce such expenditures by a sum equal to one-fifth of the amount, by which the total annual expenditure for the maintenance of military forces or naval establishment, respectively, exceeds the sum of \$50,000,000 for either, to the end that by the close of the period of five years from the date of the exchange of ratifications of this treaty no member of the league of nations shall expend for the maintenance of its military forces or its naval establishment, respectively, an amount in excess of \$50,000,000 per annum; and the United States gives notice that it will withdraw from the league of nations at the end of any year thereafter whenever any member expends for the maintenance of its military forces or its naval establishment, respectively, an amount in excess of \$50,000,000 per annum.

Mr. LA FOLLETTE. Mr. President—

Mr. REED. Mr. President, I should like to ask the Senator a question. Suppose this applied to nations inside of the league, and suppose the great nations remaining outside of the league do not cut down their military departments, what then?

Mr. LA FOLLETTE. Then the combination of the nations inside of the league, with their 50,000,000 men, would snuff them out of existence.

Mr. REED. I think not.

Mr. LA FOLLETTE. There are only three or four nations outside of the league.

Mr. REED. No; more than half the white people of Europe.

Mr. LA FOLLETTE. Oh, yes; but you have stripped—but I do not want this to come out of my time. I ask for a yeas-and-nays vote on this proposition.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on agreeing to the fourth reservation offered by the Senator from Wisconsin, and

on that the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I announce my pair with the senior Senator from North Carolina [Mr. SIMMONS] and withhold my vote.

Mr. ROBINSON (when his name was called). I have a pair with the senior Senator from Iowa [Mr. CUMMINS]. He is absent. I therefore withhold my vote.

Mr. SMITH of Georgia (when his name was called). I have a pair with the senior Senator from Massachusetts [Mr. LODGE]. In his absence I withhold my vote. If at liberty to vote, I would vote "nay."

The roll call was concluded.

Mr. GERRY. Making the same announcement of my pair as on previous votes, I withhold my vote.

Mr. ROBINSON. I transfer my pair with the senior Senator from Iowa [Mr. CUMMINS] to the senior Senator from California [Mr. PHELAN] and vote "nay."

Mr. CURTIS. I wish to announce that the Senator from Vermont [Mr. PAGE] is paired with the Senator from Alabama [Mr. BANKHEAD], and that the Senator from New York [Mr. CALDER] is paired with the Senator from Arizona [Mr. ASHURST].

Mr. GERRY. The Senator from Arizona [Mr. ASHURST] is necessarily absent from the Senate.

The result was announced—yeas 10, nays 60, as follows:

YEAS—10.

Borah	Elkins	Johnson, Calif.	Penrose
Brandeggee	France	La Follette	
Capper	Gronna	Norris	

NAYS—60.

Ball	Henderson	Moses	Smith, S. C.
Beckham	Hitchcock	New	Smoot
Chamberlain	Johnson, S. Dak.	Newberry	Spencer
Colt	Jones, Wash.	Nugent	Stanley
Dial	Kellogg	Overman	Sterling
Dillingham	Kendrick	Owen	Sutherland
Edge	Kenyon	Phipps	Swanson
Frelinghuysen	Keyes	Pittman	Thomas
Gay	King	Poindexter	Trammell
Gore	Kirby	Pomerene	Underwood
Hale	Knox	Reed	Wadsworth
Harding	Lenroot	Robinson	Walsh, Mass.
Harris	McCumber	Sheppard	Walsh, Mont.
Harrison	McKellar	Smith, Ariz.	Warren
	McNary	Smith, Md.	Williams

NOT VOTING—25.

Ashurst	Fernald	Nelson	Smith, Ga.
Bankhead	Gerry	Page	Townsend
Calder	Jones, N. Mex.	Phelan	Watson
Culberson	Lodge	Randsell	Wolcott
Cummins	McCormick	Sherman	
Curtis	McLean	Shields	
Fall	Myers	Simmons	

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Vermont [Mr. PAGE] with the Senator from Alabama [Mr. BANKHEAD]; and

The Senator from New York [Mr. CALDER] with the Senator from Arizona [Mr. ASHURST].

So Mr. LA FOLLETTE's reservation No. 4 was rejected.

V. PREVENTION OF FORCIBLE ANNEXATIONS.

Mr. LA FOLLETTE. Mr. President, I now offer the reservation numbered 5 on the leaflet which I have sent to the desk.

The VICE PRESIDENT. The Secretary will read the proposed reservation.

The Secretary read as follows:

5. The United States hereby gives notice that it will withdraw from the league of nations whenever any member or members of the league of nations shall attempt to acquire the whole or any part of the territory of any member or of any nation not a member of the league of nations against the will and without the full and free consent of the people of such member or of such nation not a member of the league of nations.

Mr. LA FOLLETTE. Mr. President, just one sentence. This reservation simply gives notice that we will not stay in the league of nations and be made a party to the forcible seizure of the territory of weaker peoples. On this reservation I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). Making the same announcement as on previous votes, I withhold my vote.

Mr. GERRY (when his name was called). Making the same announcement of my pair that I previously made, I withhold my vote.

The roll call was concluded.

Mr. JOHNSON of South Dakota (after having voted in the negative). I have a pair with the Senator from Maine [Mr. FERNALD]. I notice that he is not present. I therefore withhold my vote.

Mr. ROBINSON. I have a pair with the senior Senator from Iowa [Mr. CUMMINS] which I transfer to the senior Senator from Nevada [Mr. PITTMAN], and vote "nay."

The result was announced—yeas 19, nays 51, as follows:

YEAS—19.

Ball	France	Kenyon	Norris
Borah	Gore	Knox	Penrose
Brandegee	Gronna	La Follette	Reed
Capper	Johnson, Calif.	Lodge	Walsh, Mass.
Elkins	Jones, Wash.	Moses	

NAYS—51.

Beckham	Henderson	Nugent	Smoot
Chamberlain	Hitchcock	Overman	Spencer
Colt	Kellogg	Phelan	Stanley
Dial	Keyes	Phipps	Sterling
Dillingham	King	Polindexter	Sutherland
Edge	Kirby	Pomerene	Swanson
Fletcher	Lenroot	Ransdell	Thomas
Frelinghuysen	McCumber	Robinson	Trammell
Gay	McKellar	Sheppard	Underwood
Hale	McNary	Smith, Ariz.	Walsh, Mont.
Harding	Myers	Smith, Ga.	Warren
Harris	New	Smith, Md.	Williams
Harrison	Newberry	Smith, S. C.	

NOT VOTING—25.

Ashurst	Fernald	Nelson	Townsend
Bankhead	Gerry	Owen	Wadsworth
Calder	Johnson, S. Dak.	Page	Watson
Culberson	Jones, N. Mex.	Pittman	Wolcott
Cummins	Kendrick	Sherman	
Curtis	McCormick	Shields	
Fall	McLean	Simmons	

So Mr. LA FOLLETTE'S reservation No. 5 was rejected.

VI. PROHIBITING THE USE OF MANDATES OVER WEAKER STATES FOR EXPLOITATION OF THE INHABITANTS AND RESOURCES OF THE COUNTRY.

Mr. LA FOLLETTE. Mr. President, I now offer the reservation numbered 6, which is the last of the reservations that I shall propose.

The VICE PRESIDENT. The Secretary will read the proposed reservation.

The Secretary read as follows:

6. The United States hereby gives notice that it will withdraw from the league of nations whenever any member, exercising a mandate or a protectorate over any country, or claiming and exercising a sphere of influence in or over any country, shall, without the free and full consent of the people of such country, appropriate the natural resources thereof, or shall, directly or indirectly, aid any individual or corporation alien to such country to acquire any right or title to, or any concession in its natural resources, or right or title to its property, real or personal, or shall fail or neglect, within such authority or influence as it may properly exercise, to preserve in trust for the people of such country all right and title to and in its natural resources and real and personal property, or shall fail to exercise such mandate, protectorate, or sphere of influence over such country for the sole benefit of the people thereof.

Mr. LA FOLLETTE. Mr. President, the league covenant parcels out hundreds of millions of people called weak and unable to take care of themselves to become the wards of different members of the league under what are called mandates. This action is taken upon the assumption that these people need a guardianship; and it is proposed to extend this guardianship over them through the league of nations.

Mr. President, the reservation which I have offered makes the trust binding upon the league of nations. It provides that the great powers acting as mandatories shall take care of these weaker nations as wards and take care of their property as a sacred trust; that the wards shall not be robbed. That is all there is to it.

If this be not a scheme to exploit the weaker nations, to take away from them their coal and their oil and all of their natural resources, under the pretense of development, for the benefit of those who have the mandates, then you will adopt this reservation. If you are in favor of robbing these people—these weaker nations—through mandates, you will vote down the reservation that I have offered. On this reservation I ask for the yeas and nays.

Mr. McCORMICK. Mr. President, there is certainly no one who is more firmly convinced than am I that the whole section or sermon or mandatories in the covenant of the league is a shabby sham; but, nevertheless, I for one, desiring that we should have no part in this covenant of duplicity, do not feel that I ought to support a reservation which seeks to dictate to the other nations how they should conduct themselves.

Mr. LA FOLLETTE. Mr. President, before the Senator from Illinois sits down, if he will permit me in his time—

Mr. McCORMICK. In my time; yes.

Mr. LA FOLLETTE. All that this reservation proposes to do if we go into this league is to serve notice upon the other members of the league that unless they treat this as a sacred trust we will withdraw from the league.

Mr. McCORMICK. Mr. President, I share the view of the Senator from Wisconsin as to the character of these mandates;

but I can not bring myself to vote for a reservation which appears to me to dictate the conduct of the members of the league as regards these weaker peoples.

Mr. LA FOLLETTE. Mr. President, in my own time I will merely say in response that all that this reservation says to the members of this compact is, "If we go into this thing, you shall agree that the administration of the property of these wards shall be honest." That is the reservation and all there is to it; that "you shall be honest and shall discharge your trust or we will not join you." I am unable to understand how the Senator from Illinois or any Senator can say that that is a dictation to the other members of the league, further than any man who joined in the execution of a trust ought to dictate that if he is to be made a party to the trust the trust shall be faithfully discharged. That is all the reservation does.

Mr. President, I ask for the yeas and nays, unless some other Senator desires to speak.

Mr. KING. Mr. President, it seems to me that the logic of the Senator from Wisconsin is somewhat faulty. The league of nations, under the plan which has been devised, is to assume a mandatory control over the peoples inhabiting certain colonies and territories formerly belonging to members of the Central Empires with which our country and the allied nations were at war. These colonies and peoples form a sacred trust of civilization, and the obligation rests upon these nations to whom Germany ceded her colonies, by the terms of the treaty, to see that this trust is scrupulously performed.

The contention of the Senator rests upon the theory that if a trustee violates his trust and robs the *cestui que trust*, then his trustees should flee and thus aid him in his perfidy or default. It seems to me that the duty of the other trustees, the other members of the league, is to watch the trustees designated and provided in the league, and if one of them attempts to default, if one of them attempts to impose upon the ward intrusted to its care, if one of them attempts to rob and plunder the ward, that it should be the sacred duty of the other trustees to more earnestly devote themselves to the discharge of their duties and to the protection of the peoples wronged or oppressed. They should insist that the nations named as trustees or mandatories should live up to the letter and spirit of the trust and administer the affairs of the colonies intrusted to their care in a just and righteous manner and for the security and advancement of the inhabitants thereof.

Of course, every trustee assumes the obligation or the duties of his position with the asseveration upon his lips that he is going to be honest, that he is going to discharge with fidelity the trust committed to his care; but the courts and those who are connected with him, because of that asseveration, do not release him from observation and the obligations the law imposes.

If they detect that he is defaulting or is guilty of any delinquency, they increase their vigilance and stretch out their arms and bring him to a realization of his obligations, and, if necessary, to the bar of justice.

It seems to me, Mr. President, that the plan of the Senator from Wisconsin is one which should not commend itself to the judgment of practical and rational men.

The title to the German colonies is vested by the treaty in the associated and allied nations. It was understood by Germany when she signed the treaty that the people residing within such possessions should be protected and their rights guarded. The United States should insist that the terms of the treaty be observed and that every nation acting as a mandatory should scrupulously guard the interests of those subject to the control conferred by the treaty. If this Nation should withdraw from the league because a mandatory nation failed in its duty, it would be condoning a wrong and aiding in the continuation of a wrong.

Suppose that the league of nations becomes operative and Great Britain or Japan or France becomes a mandatory of the league and has given to its care the custody of one of the colonies of Germany or Turkey, with the weak and feeble people therein, and suppose that such mandatory should become imbued with imperialistic designs or by selfish, lustful desires, and utterly fails to discharge its obligations, and seeks the exploitation of the people and their enslavement. Instead of the United States withdrawing from the league the United States ought to stretch forth its puissant arm and say to the mandatory, "You must discharge the duty resting upon you or we will bring you before the bar of justice and the council of the league, and before the public opinion of the world, and brand you as a nation that has failed to discharge a sacred obligation and a trust affecting the welfare of weak and helpless peoples." By this course the United States would serve humanity and restrain imperialism and oppression and compel the performance of a duty arising from obligations solemnly entered into.

Mr. LA FOLLETTE. Mr. President, that comes as a beautiful theory from a Senator who on this floor, every time the occasion has been presented, has voted to deprive the United States of having an equal number of votes with Great Britain, the one member of the league that is in a position to reap the richest possible results from the mandatory system.

There is no better way to impress upon the nations who take mandates that the condemnation of this Government, when it becomes a member, will be visited upon them unless they discharge their duty than to announce and write into the resolution of ratification that in the event of their default the United States will withdraw. We will be outnumbered. We are taking none of these mandates that have benefits attached. We are not going into the business of destroying weaker peoples; the other nations are, as I showed in the speech that I delivered this afternoon, as will appear in the Record. Mr. President, we will have one vote there to bring these nations to terms and make them execute their sacred trust, and we will be voted down. What then?

Mr. President, they want us in this league; they want us very badly, because they have imposed upon us very great burdens. They expect us to furnish the troops that are needed; they expect us to back financially all of the undertakings of the league; and if we impose conditions upon our entering they will accept those conditions. If we impose the condition that this league shall not be converted into a system of robbing all of the weaker nations of the earth, and get that recognized at the outset, we may possibly be able to hold them to a somewhat decent execution of the trust that is committed to them.

Mr. REED. Mr. President, I do not wish to let this moment pass without trying to say in two minutes what I should like to say at length. This entire treaty is filled up with catchwords and soft phrases calculated to mask villainous intents. Among these is the gentle word "mandatory." A mandate, however, means nothing but the military occupancy of the territory of a conquered people; it is a power to be enforced by fire and sword; it bears no relationship whatever to a trust; and when we speak of beneficence in connection with it it is like speaking of the acts of Satan in the gentle language of eulogy.

Certain of the great nations have seized all of the habitable world that was incapable of defending itself; they propose to establish themselves in rulership over it; and they denominate that rulership a mandatory, but they will hold all their possessions by armed bodies, and it is proposed to put back of those armed bodies the entire strength of all the armies and all the navies of all the great members of the league. That is all there is to this mandatory business. It is another hypocritical pretense; it is another mask for infamy and theft, and when we talk about it here in the Senate as though it were a sacred trust to be sacredly executed we mock the facts and we insult our own intelligence.

Mr. LA FOLLETTE. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I make the same announcement as on the previous roll call, and withhold my vote.

The roll call was concluded.

Mr. GERRY. Making the same announcement as before, I withhold my vote.

Mr. ROBINSON. Again announcing my pair with the Senator from Iowa [Mr. CUMMINS], I transfer that pair to the Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. GERRY. I transfer my pair with the Senator from Michigan [Mr. TOWNSEND] to the Senator from Oklahoma [Mr. OWEN] and vote "nay."

Mr. HENDERSON (after having voted in the negative). Has the junior Senator from Illinois [Mr. McCORMICK] voted?

The VICE PRESIDENT. He has not.

Mr. HENDERSON. I have a general pair with the junior Senator from Illinois, and withdraw my vote.

The result was announced—yeas 23, nays 51, as follows:

YEAS—23.

Borah	Frelinghuysen	La Follette	Phipps
Brandagee	Gronna	Lodge	Reed
Capper	Johnson, Calif.	Moses	Sherman
Elkins	Jonas, Wash.	New	Wadsworth
Fernald	Kenyon	Newberry	Walsh, Mass.
France	Knox	Penrose	

NAYS—51.

Ball	Gay	Jones, N. Mex.	McKellar
Beckham	Gerry	Kellogg	McNary
Chamberlain	Hale	Kendrick	Myers
Coit	Harding	Keyes	Nugent
Dal	Harris	King	Overman
Dillingham	Harrison	Kirby	Phelan
Edge	Hitchcock	Lenroot	Pol Dexter
Fletcher	Johnson, S. Dak.	McCumber	Pomeroy

Ransdell
Robinson
Sheppard
Smith, Ariz.
Smith, Ga.

Smith, Md.
Smith, S. C.
Smoot
Spencer
Stanley

Sterling
Sutherland
Swanson
Thomas
Trammell

Underwood
Walsh, Mont.
Warren
Williams

NOT VOTING—21.

Ashurst
Bankhead
Calder
Culberson
Cummins
Curtis

Fall
Gore
Henderson
McCormick
McLean
Nelson

Norris
Owen
Page
Pittman
Shields
Simmons

Townsend
Watson
Wolcott

So Mr. LA FOLLETTE's proposed reservation No. 6 was rejected. Mr. WALSH of Massachusetts. Mr. President, I move the fourth of the reservations offered by me, which I ask the Secretary to read.

The VICE PRESIDENT. The reservation will be stated.

The Secretary read as follows:

4. The provisions of article 11 shall in no respect abridge the rights of free speech, the liberty of the press, and the advocacy of the principles of national independence and self-determination of any people or peoples; and no circumstance directly related to the enjoyment of any of the aforesaid rights shall be construed as providing any member of the league with cause to declare that the exercise of such aforesaid rights as heretofore construed under the provisions of the Constitution of the United States warrants the assembly or council in determining what course of action, legal measures of control, or regulation shall be enforced or prescribed by the United States.

Mr. WALSH of Massachusetts. Mr. President, at this late hour, and with the Senate very tired, I do not propose to make any speech upon this reservation. I do not, however, want the brevity of my remarks to be construed to indicate that I do not consider it a very important reservation.

The language of article 11 is broad in its scope. Under it almost any circumstance likely to disturb the good understanding between nations may be brought up for consideration. It seems to me there are some fundamental American rights that ought to be reserved, such as free speech, freedom of the press, and the advocacy of the principle of national independence and self-determination.

On a previous occasion I pointed out the fact that certain domestic questions may, under certain circumstances, become questions of great international importance; and it is very possible that our right of free speech and the freedom of the press, and especially the advocacy of national independence here by people from other countries, may become a circumstance of very great and serious international importance.

It seems to me that we ought not to leave the door so wide open and the provisions of article 11 so broad as by any possibility to have fundamental American rights put in jeopardy or subject to review by the league, or even leave it open to have advice given us by the league of nations as to our exercise and enjoyment of these rights. This reservation, therefore, seeks to remove any possibility of the abridgment by the league of nations of these inalienable American rights; and I think the least that the Senate should do is to reserve from consideration under article 11 these precious rights that always have been prized and considered of incalculable value by the American people.

In a word, the reservation I propose seeks to prevent any abridgment through this covenant of certain fundamental American rights and restricts the consideration of circumstances which relate to the enjoyment of the rights of free speech, liberty of the press, and the advocacy of the principle of national independence of any people.

Mr. JOHNSON of California. Mr. President, I make my apologies to the Senate for detaining it for even a minute, but I want the Record to show what became of the principle of self-determination at Paris. In order that the Record may show that fact, I read the original article which was transmuted ultimately into article 10, taken by President Wilson to Paris, and which contained the principle of self-determination, and contained it in words there was no mistaking.

Here is the original article taken by the President to Paris. It is article 3:

The contracting powers unite in guaranteeing to each other political independence and territorial integrity; but it is understood between them that such territorial readjustments, if any, as may in the future become necessary by reason of changes in present racial conditions and aspirations or present social and political relationships, pursuant to the principle of self-determination, and also such territorial readjustments as may in the judgment of three-fourths of the delegates be demanded by the welfare and manifest interest of the peoples concerned, may be effected if agreeable to those peoples, and that territorial changes may in equity involve material compensation. The contracting powers accept without reservation the principle that the peace of the world is superior in importance to every question of political jurisdiction or boundary.

That is the original article 10. That is the article 10 taken by President Wilson to Paris. That article 10 provides for re-

adjustment on the principle of self-determination. I read, that it may be in juxtaposition, the present article 19:

The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In case of any such aggression, or in case of any threat or danger of such aggression, the council shall advise upon the means by which this obligation shall be fulfilled.

The President took to Paris a means whereby, under the principle of self-determination, there should be readjustments. That principle was eliminated. He took there his method of readjustment upon that principle. He came back without the principle of self-determination and with a scheme under which there could be no readjustments at all.

The VICE PRESIDENT. The question is on agreeing to the reservation offered by the Senator from Massachusetts [Mr. WALSH]. On that the yeas and nays have been requested.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I again announce my pair with the senior Senator from North Carolina [Mr. SIMMONS]. Were I permitted to vote, I should vote "yea."

Mr. WATSON (when his name was called). In the absence of my pair, the senior Senator from Delaware [Mr. WOLCOTT], I withhold my vote. If permitted to vote, I should vote "yea."

The roll call was concluded.

Mr. GERRY. I have a pair with the senior Senator from Michigan [Mr. TOWNSEND]. I therefore withhold my vote.

Mr. ROBINSON. I transfer my pair with the senior Senator from Iowa [Mr. CUMMINS] to the junior Senator from Oklahoma [Mr. OWEN] and vote "nay."

Mr. CURTIS. I transfer my pair with the senior Senator from North Carolina [Mr. SIMMONS] to the senior Senator from New York [Mr. WADSWORTH] and vote "yea."

I have been requested to announce the following pairs:

The Senator from New York [Mr. CALDER] with the Senator from Arizona [Mr. ASHURST];

The Senator from Vermont [Mr. PAGE] with the Senator from Alabama [Mr. BANKHEAD]; and

The Senator from New Mexico [Mr. FALL] with the Senator from Wyoming [Mr. KENDRICK].

The result was announced—yeas 36, nays 42, as follows:

YEAS—36.

Ball	Frelinghuysen	McCormick	Reed
Borah	Gore	McLean	Sherman
Brandeggee	Gronna	Moses	Shields
Capper	Johnson, Calif.	New	Smith, Ga.
Curtis	Jones, Wash.	Newberry	Smoot
Dillingham	Kenyon	Norris	Spencer
Elkins	Knox	Penrose	Sutherland
Fernald	La Follette	Phelan	Walsh, Mass.
France	Lodge	Phipps	Warren

NAYS—42.

Beckham	Hitchcock	McNary	Smith, S. C.
Chamberlain	Johnson, S. Dak.	Myers	Stanley
Colt	Jones, N. Mex.	Nugent	Sterling
Dial	Kellogg	Overman	Swanson
Edge	Kendrick	Pittman	Thomas
Fletcher	Keyes	Pomeroy	Trammell
Gay	King	Ransdell	Underwood
Hale	Kirby	Robinson	Walsh Mont.
Harris	Leafoot	Sheppard	Williams
Harrison	McCumber	Smith, Ariz.	
Henderson	McKellar	Smith, Md.	

NOT VOTING—17.

Ashurst	Fall	Page	Watson
Bankhead	Gerry	Polindexter	Wolcott
Calder	Harding	Simmons	
Culberson	Nelson	Townsend	
Cummins	Owen	Wadsworth	

So the reservation proposed by Mr. WALSH of Massachusetts was rejected.

Mr. WALSH of Massachusetts. I give notice that I shall move in the Senate the reservation just voted upon.

The VICE PRESIDENT. Are there any further reservations? There being no further reservations, the Senate has under consideration, as in Committee of the Whole, the treaty with Germany, and has made certain reservations thereto. The question is, Will the Senate concur in the reservations made as in the Committee of the Whole? The Senator from Massachusetts [Mr. LODGE] has reserved a vote on the amendment offered by the Senator from Maine [Mr. HALE]. Are there any further reservations? There being none, shall the vote on concurring in each reservation be put separately or shall it be put en bloc?

Mr. CURTIS. Mr. President, I understood the Senator from California [Mr. JOHNSON] reserved a vote upon one of the reservations.

The VICE PRESIDENT. On which reservation?

Mr. JOHNSON of California. On the reservation I offered which was voted on to-day. But I understood that that might be offered in the Senate.

Mr. TRAMMELL. I suggest that we vote upon the reservations separately.

Mr. LODGE. That requires reserving all of them.

The VICE PRESIDENT. That means, then, under the rule, that the Senate will vote on each one separately.

Mr. SMOOT. Mr. President, a parliamentary inquiry. There is no necessity of reserving a vote upon any reservation unless it was affirmatively carried?

The VICE PRESIDENT. Certainly not.

Mr. SMOOT. That is what I understand.

Mr. LODGE. My attention was diverted for the moment. I understood the request was that there should be a separate vote, not a block vote. That involves reserving each reservation, does it not?

The VICE PRESIDENT. The Chair is not permitted to say what he thinks about these rules; but the rule is that the vote on amendments or reservations may be taken separately or in gross, if no Senator shall object.

Mr. LODGE. If objection is made, the vote must be taken separately.

The VICE PRESIDENT. Will the Senate concur in the first reservation?

Mr. HITCHCOCK. Mr. President, I understand that the decision is that they are to be voted on separately?

The VICE PRESIDENT. There having been an objection to their consideration en bloc, there must be a separate vote on each reservation.

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry. I understood that the Senator from Florida [Mr. TRAMMELL] suggested that the reservations be voted on separately. I did not know whether he meant that by way of an objection or not.

Mr. HITCHCOCK. Yes; there was an objection; and I would make one if no one else did.

Mr. BRANDEGEE. Very well.

Mr. HITCHCOCK. When the first reservation proposed by the Senator from Massachusetts was adopted I reserved the right to move to strike out all after the word "ratification," on line 3, so that nothing would remain except these words:

The reservations and understandings adopted by the Senate are to be made a part and a condition of the resolution of ratification.

That part to be stricken out reads as follows:

Which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted by an exchange of notes as a part and a condition of said resolution of ratification by at least three of the four principal allied and associated powers, to wit, Great Britain, France, Italy, and Japan.

Now, Mr. President, I move that all after the word "ratification," on line 3, be stricken out.

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I transfer my pair with the senior Senator from North Carolina [Mr. SIMMONS] to the senior Senator from Minnesota [Mr. NELSON] and vote "nay."

Mr. KENDRICK (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. FALL], which I transfer to the senior Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. WATSON (when his name was called). I am paired with the senior Senator from Delaware [Mr. WOLCOTT] and I withhold my vote. If permitted to vote, I would vote "nay."

The roll call was concluded.

Mr. EDGE (after having voted in the negative). Has the junior Senator from Oklahoma [Mr. OWEN] voted?

The VICE PRESIDENT. He has not.

Mr. EDGE. I have a general pair with that Senator and in his absence I withdraw my vote.

Mr. ROBINSON. Announcing my pair with the senior Senator from Iowa [Mr. CUMMINS], I withhold my vote.

Mr. CURTIS. I have been requested to announce that the Senator from New York [Mr. CALDER] is paired with the Senator from Arizona [Mr. ASHURST], and that the Senator from Vermont [Mr. PAGE] is paired with the Senator from Alabama [Mr. BANKHEAD].

Mr. GERRY. I wish to announce that the Senator from Arizona [Mr. ASHURST], the Senator from Alabama [Mr. BANKHEAD], the Senator from North Carolina [Mr. SIMMONS], and the Senator from Delaware [Mr. WOLCOTT] are necessarily absent from the Senate.

The result was announced—yeas 36, nays 45, as follows:

YEAS—36.

Beckham	Gay	Henderson	Kendrick
Chamberlain	Gerry	Hitchcock	King
Dial	Harris	Johnson, S. Dak.	Kirby
Fletcher	Harrison	Jones, N. Mex.	McCumber

McKellar
Myers
Nugent
Overman
Phelan

Pittman
Pomerene
Ransdell
Sheppard
Smith, Ariz.

Smith, Ga.
Smith, Md.
Smith, S. C.
Stanley
Swanson

Thomas
Trammell
Underwood
Walsh, Mont.
Williams

Kenyon
Keyes
King
Knox
La Follette
Lenroot
Lodge
McCormick

McCumber
McLean
McNary
Moses
New
Newberry
Norris
Owen

Penrose
Phipps
Poindexter
Reed
Sherman
Shields
Smith, Ga.
Smoot

Spencer
Sterling
Sutherland
Thomas
Townsend
Wadsworth
Walsh, Mass.
Warren

NAYS—45.

Ball
Borah
Brandegee
Capper
Coff
Curtis
Dillingham
Elkins
Fernald
France
Frelinghuysen
Gore

Gronna
Hale
Harding
Johnson, Calif.
Jones, Wash.
Kellogg
Kenyon
Keyes
Knox
La Follette
Lenroot
Lodge

McCormick
McLean
McNary
Moses
New
Newberry
Norris
Penrose
Phipps
Poindexter
Reed
Sherman

Shields
Smoot
Spencer
Sterling
Sutherland
Townsend
Wadsworth
Walsh, Mass.
Warren

NOT VOTING—14.

Ashurst
Bankhead
Calder
Culberson

Cummins
Edge
Fall
Nelson

Owen
Page
Robinson
Simmons

Watson
Wolcott

Ashurst
Bankhead
Calder

Culberson
Cummins
Fall

Nelson
Page
Robinson

Simmons
Watson
Wolcott

NAYS—31.

Beckham
Chamberlain
Dial
Fletcher
Gay
Gerry
Harris
Harrison

Henderson
Johnson, S. Dak.
Jones, N. Mex.
Kendrick
Kirby
McKellar
Myers
Nugent

Overman
Phelan
Pittman
Pomerene
Ransdell
Sheppard
Smith, Ariz.
Smith, Md.

Smith, S. C.
Stanley
Swanson
Trammell
Underwood
Walsh, Mont.
Williams

NOT VOTING—12.

So Mr. HITCHCOCK's amendment to reservation No. 1, proposed by Mr. LODGE, was rejected.

Mr. HITCHCOCK. Mr. President, in order to save the time of the Senate, so far as I am concerned, I can see no objection to voting on the other reservations en bloc. I see objection to agreeing to them, but there is no objection to voting on them en bloc.

Mr. LODGE. There is one that has been reserved for a separate vote, but it will take only a few moments, I think, to dispose of it if the roll is not called.

The VICE PRESIDENT. With the exception of reservation numbered 5, the question is on concurring in the reservations made as in Committee of the Whole.

Mr. LODGE. No; I thought we were to vote on each one merely without calling the roll.

The VICE PRESIDENT. No; we were going to vote on all en bloc, except No. 5.

Mr. LODGE. If we are to take a vote en bloc, I desire to reserve, in addition to No. 5, reservation No. 4, and ask for a vote on it, because there is no record vote on it.

The VICE PRESIDENT. Reservations Nos. 4 and 5 are reserved for a separate vote.

Mr. WADSWORTH. May I follow the same procedure and ask that No. 12 be likewise reserved?

The VICE PRESIDENT. Nos. 4, 5, and 12 are reserved. The question is on concurring in the other reservations made as in Committee of the Whole, proposed by the Senator from Massachusetts [Mr. LODGE].

The reservations, with the exception of those numbered 4, 5, and 12, were concurred in.

The VICE PRESIDENT. The question now is on concurring in reservation No. 4.

Mr. PENROSE. Let the reservation be read.

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

4. No mandate shall be accepted by the United States under article 22, part 1, or any other provision of the treaty of peace with Germany, except by action of the Congress of the United States.

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). Making the same announcement as on the previous vote with reference to my pair and its transfer, I vote "yea."

Mr. KENDRICK (when his name was called). Making the same announcement as previously made with reference to my pair and its transfer, and asking that the announcement may stand for the day, I vote "nay."

Mr. WATSON (when his name was called). I again announce my pair with the senior Senator from Delaware [Mr. Wolcott] and withhold my vote. If at liberty to vote, I would vote "yea."

The roll call was concluded.

Mr. ROBINSON. Again announcing my pair with the senior Senator from Iowa [Mr. CUMMINS], I withhold my vote.

Mr. CURTIS. I have been requested to announce that the Senator from New York [Mr. CALDER] is paired with the Senator from Arizona [Mr. ASHURST] and that the Senator from Vermont [Mr. PAGE] is paired with the Senator from Alabama [Mr. BANKHEAD].

The result was announced—yeas 52, nays 31, as follows:

YEAS—52.

Ball
Borah
Brandegee
Capper
Coff

Curtis
Dillingham
Edge
Elkins
Fernald

France
Frelinghuysen
Gore
Gronna
Hale

Harding
Hitchcock
Johnson, Calif.
Jones, Wash.
Kellogg

So reservation No. 4, made as in Committee of the Whole, was concurred in.

The VICE PRESIDENT. The question is on concurring in reservation No. 5.

Mr. LODGE. Mr. President, in reservation No. 5 an amendment was made which is not in the print which I have. Will the Secretary kindly read it?

The VICE PRESIDENT. The Secretary will read as requested.

The SECRETARY. Amendment offered by the Senator from Maine [Mr. HALE]: In the reservation print in bill form on line 25, after the word "question," the following words were inserted in Committee of the Whole:

And all questions affecting the present boundaries of the United States and its insular or other possessions.

So that it now reads as follows:

5. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction, and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children and in opium and other dangerous drugs, and all other domestic questions, and all questions affecting the present boundaries of the United States and its insular or other possessions, are solely within the jurisdiction of the United States—

And so forth.

Mr. LODGE. That amendment was of necessity hastily prepared, as it was only prepared in the morning of the day when the cloture rule was adopted. I approved it and voted for it myself. On further consideration I came to the conclusion that it went too far and interfered with questions which are in their very nature international, and that it was, I thought, sufficiently provided for in other parts of the reservation. I reserved it for this purpose, and I shall be very glad if the Senator from Maine [Mr. HALE] would be willing to withdraw it.

Mr. HALE. I think there is a good deal of force in what the Senator from Massachusetts says. However, if I were permitted to offer an amendment at the present time, which I understand I am not, I think that by transposing two or three words I could obviate the objection of the Senator from Massachusetts. I shall, therefore, ask unanimous consent to make such an amendment at the present time. I will ask the Secretary to read my proposed amendment.

Mr. KNOX. I object. I wish further to congratulate the Senator from Maine [Mr. HALE], who offered the amendment, and the Senator from Massachusetts [Mr. LODGE], who voted for the amendment, in having at last realized what I called to the attention of the Senate at the time, the manifest absurdity of the amendment. The idea of trying to place all questions affecting boundaries within the exclusive jurisdiction of the United States struck me instantly as being preposterous.

Not only that, but the immediate effect of the ratification of the treaty with such a provision in it would have been to have abrogated the existing treaty between the United States and Canada under which all boundary questions are referred to a joint commission of representatives of the two countries. The amendment seems to have been prepared upon the theory that a boundary question only meant a boundary line. The great and grave and important boundary questions arising between this country and Canada are those affecting our boundary waters, and the disposition and use of diversion of those waters, as well as other questions that relate to the boundaries.

I conclude as I began by congratulating both the Senator from Maine [Mr. HALE] and the Senator from Massachusetts [Mr. LODGE].

Mr. HALE. Mr. President, in view of the statement of the Senator from Massachusetts and of the request of the Senator from Massachusetts, I can do nothing but withdraw my amendment.

The VICE PRESIDENT. That is "going some." [Laughter.] Oh, no; the Chair can not permit that. The Senate has voted upon the amendment, and nothing can be done except to move to reconsider the vote by which the amendment was agreed to.

Mr. LODGE. To reconsider in the Senate a vote taken as in Committee of the Whole?

The VICE PRESIDENT. Certainly. The Senator has reserved a vote on this amendment.

Mr. LODGE. I have reserved a vote; but I do not think it is necessary to reconsider, is it?

The VICE PRESIDENT. It has been made a part of the reservation by amendment.

Mr. LODGE. But, surely, when we go into the Senate we do not reconsider a vote taken in Committee of the Whole?

The VICE PRESIDENT. The Chair so rules; and under the agreement it is not discussable. If the Senator desires to appeal, he can do so.

Mr. LODGE. Oh, no; I have no desire to appeal. I move to reconsider the vote whereby the amendment was agreed to.

The motion to reconsider was agreed to.

The VICE PRESIDENT. The question now is, Shall the amendment be agreed to?

Mr. LODGE. Mr. President, what has become of the amendment?

The VICE PRESIDENT. The amendment is now pending.

Mr. LODGE. Then, the vote will be to agree or to disagree to it?

The VICE PRESIDENT. The question is on agreeing or disagreeing to the Hale amendment.

Mr. WALSH of Montana. Mr. President, I do not desire to be heard upon the pending matter, but I rise simply to remark that I voted "nay" upon the reservation immediately preceding reservation No. 4, in the entire conviction that it is utterly unnecessary; that no mandate can be accepted by the United States except by act of Congress, and I am sure I speak the conviction of every Senator on this side of the Chamber who voted with me.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Maine [Mr. HALE]. [Putting the question.] The amendment is not concurred in. The question is on concurring in the reservation.

The reservation was concurred in.

The VICE PRESIDENT. The question now is on concurring in reservation No. 12.

Mr. WADSWORTH. Mr. President, I ask unanimous consent that an amendment be considered to reservation No. 12 in order that an obvious error in phraseology may be corrected. On page 5 of the leaflet containing the reservation, line 15, I move to strike out the words "said article 16" and in their place to substitute the words "its covenants," so that that portion of the sentence will read:

Or in countries other than that violating its covenants.

The VICE PRESIDENT. Is there objection?

Mr. HITCHCOCK. I think I shall have to continue by objection to that, following the illustrious example of the Senator from Pennsylvania.

Mr. WADSWORTH. In doing so the Senator from Nebraska contributes to good legislation.

The VICE PRESIDENT. The question is on concurring in reservation No. 12.

The reservation was concurred in.

Mr. REED. Mr. President, does that dispose of the reservations that have been adopted?

The VICE PRESIDENT. It disposes of all reservations made in Committee of the Whole and of all amendments offered to such reservations in Committee of the Whole.

Mr. REED. The question is still open to reservation?

The VICE PRESIDENT. To reservations and other amendments.

Mr. REED. Mr. President, it was not necessary to reserve the privilege, I take it, but I did, as a matter of notice to the Senate, say that I would reserve for separate vote in the Senate reservation 15 as reported by the Committee on Foreign Relations and defeated in Committee of the Whole. It is the reservation that provides that the United States shall retain in itself the right to decide what questions affect its vital interests and national honor.

I call attention to the fact, as stated by the Senator from Pennsylvania [Mr. KNOX], that it is by such a reservation that questions like the one sought to be covered by the reservation offered by the Senator from Maine [Mr. HALE] may be taken care of. There has been a misapprehension about this reservation. It never was reported by the committee or suggested to the committee for the purpose of destroying or weakening the treaty.

It was intended that, if adopted, it would be acted upon and construed in good faith; that the United States could be trusted never to claim that a question was vital to it and affected its very life unless, in the opinion of the Government of the United States, that should be the fact, for it was intended and believed that the United States would never assert that its honor was at stake and that it could not afford to submit the question because its honor was at stake unless it could say that was the opinion of the Government of the United States. It was offered by the committee, I am sure—and I suggested it to the committee—in the best of faith, in the hope of improving the treaty, believing, as I did at that time, that the treaty would probably be adopted and, perhaps, even yet may ultimately be adopted, and if adopted that the vital interests of the United States and the honor of the United States ought to be within the custody and control of this Government alone. Therefore, I am going to ask if we can not have another roll call upon the reservation.

The VICE PRESIDENT. The Chair understands the Senator from Missouri offers a reservation, which will be stated.

The SECRETARY. It is proposed to add as a new reservation the following:

15. The United States reserves to itself exclusively the right to decide what questions affect its honor or its vital interests and declares that such questions are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the league of nations or any agency thereof or to the decision or recommendation of any other power.

The VICE PRESIDENT. The question is on the reservation offered by the Senator from Missouri.

Mr. REED. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the Senator from North Carolina [Mr. SIMMONS] and therefore withhold my vote. If at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. ROBINSON. Again announcing my pair with the Senator from Iowa [Mr. CUMMINS], I withhold my vote.

Mr. ASHURST. I inquire if the junior Senator from New York [Mr. CALDER] has voted?

The VICE PRESIDENT. He has not.

Mr. ASHURST. I am paired with that Senator until 10 o'clock, and therefore withhold my vote.

Mr. CURTIS. I have been requested to announce that the Senator from Vermont [Mr. PAGE] is paired with the Senator from Alabama [Mr. BANKHEAD].

The result was announced—yeas 33, nays 50, as follows:

YEAS—33.

Ball	Gore	McLean	Sherman
Borah	Gronna	Moses	Shields
Brandagee	Harding	New	Spencer
Capper	Johnson, Calif.	Newberry	Sutherland
Dillingham	Jones, Wash.	Norris	Wadsworth
Elkins	Knox	Penrose	Watson
Fernald	La Follette	Phipps	
France	Lodge	Poindexter	
Frelinghuysen	McCormick	Reed	

NAYS—50.

Beckham	Johnson, S. Dak.	Overman	Sterling
Chamberlain	Jones, N. Mex.	Owen	Swanson
Coit	Kellogg	Phelan	Thomas
Dial	Kendrick	Pittman	Townsend
Edge	Keyes	Pomerene	Trammell
Fletcher	King	Ransdell	Underwood
Gay	Kirby	Sheppard	Walsh, Mass.
Gerry	Lenroot	Smith, Ariz.	Walsh, Mont.
Hale	McCumber	Smith, Ga.	Warren
Harris	McKellar	Smith, Md.	Williams
Harrison	McNary	Smith, S. C.	Wolcott
Henderson	Myers	Smoot	
Hitchcock	Nugent	Stanley	

NOT VOTING—12.

Ashurst	Culberson	Fall	Page
Bankhead	Cummins	Kenyon	Robinson
Calder	Curtis	Nelson	Simmons

So Mr. REED's reservation was rejected.

Mr. OWEN. Mr. President, I offer the reservation which I send to the desk and ask to have read.

The VICE PRESIDENT. The reservation will be stated.

The SECRETARY. It is proposed to add, as a new reservation, the following:

The protectorate in Great Britain over Egypt is understood to be merely a means through which the nominal suzerainty of Turkey over Egypt shall be transferred to the Egyptian people, and shall not be construed as a recognition by the United States of any sovereign rights over the Egyptian people in Great Britain or as depriving the people of Egypt of any of their rights of self-government and independence.

Mr. OWEN. Mr. President, I want to say to my colleagues that I would not offer this reservation if it had not become entirely obvious that the final ratification of the treaty can only

be accomplished with reservations, and I think this reservation is entirely interpretative and is not in any way a change of the existing treaty.

I want to call attention particularly to article 147, to wit:

Germany declares that she recognizes the protectorate proclaimed over Egypt by Great Britain on December 18, 1914, and that she renounces the régime of the capitulations in Egypt.

This renunciation shall take effect as from August 4, 1914.

Article 148—

Mr. FLETCHER. Mr. President, let us have order.

Mr. OWEN. I ask for order. I have taken only 12 minutes of the time of the Senate, so I am entitled to present this matter.

Article 148. All treaties—

I ask Senators to desist from conversation on the floor—

All treaties, agreements, arrangements, and contracts concluded by Germany with Egypt are regarded as abrogated as from August 4, 1914.

In no case can Germany avail herself of these instruments and she undertakes not to intervene in any way in negotiations relating to Egypt which may take place between Great Britain and the other powers.

Showing that this treaty contemplates negotiations with other powers regarding the government of Egypt.

Now, I call attention to the fact that Egypt gained her independence by the sword in 1840. She took the war to Constantinople, and would have controlled Constantinople and overthrown the Turkish Government except for the powers of Europe. She managed her own affairs under a merely nominal suzerainty, in which Turkey interfered in no respect whatever with her internal management; but under Ishmael Pasha she incurred a great debt in building the Suez Canal and in putting irrigation plants and dams in the valley of the Nile for the purpose of making that country capable of producing food for the Egyptian people. Ishmael Pasha placed those bonds in Paris and in London, and in order to safeguard those bonds Great Britain undertook to open negotiations with the Khedive, who was in great distress over his debts, for the management of Egyptian finances.

The Egyptian people protested against it. It resulted in riots, because of European domination of the finances of Egypt. Great Britain thereupon, with the consent of the powers, in order to protect the bondholders who held the bonds of Egypt, bombarded Alexandria and put in a military force and sustained the Khedive by military power, and thereafter, in a greater or less degree, exercised the powers of government indirectly over the Egyptian people; but, when that was done, assurances were given to the Egyptian people that it was not intended to interfere with their independence. The admiral who bombarded Alexandria, and who took charge at that time, made the statement to them that—

The sole object is to protect Your Highness—

That is, the Khedive, who, by the way, was governing by divine right, a thing against which we fought in this war, sustained by Great Britain in this instance—

The sole object is to protect Your Highness and the Egyptian people against the rebels.

The rebels were those who were protesting against European domination of their Government.

When in 1914 the protectorate was declared over Egypt, because the then existing Khedive was making overtures to Germany and was practically conspiring against Great Britain in the war, Great Britain deposed the Khedive by military force and put another Khedive, his nephew, in his place, but the King of Great Britain, or his minister in his name, addressed this communication to the Egyptians, to wit:

I feel convinced that you—

The new sovereign—

will be able, with the cooperation of your ministers and the protectorate of Great Britain, to overcome all influences which are seeking to destroy the independence of Egypt.

Those people were given to understand that their independence was being fought for in this war, and they contributed 1,200,000 soldiers; they carried on the campaign protecting the Suez Canal and in Palestine and Arabia. Now the question comes before the Senate as to whether we will leave without any interpretation this item recognizing a protectorate, which Gladstone said in 1882, and the ministers from that time down to 1914 declared, would not be established.

I think it is only fair that the Egyptians, it is only fair to the principles for which we fought this war, that there should be an interpretation of this item of the treaty consistently with the declarations made by the United States, by Great Britain, by France, by Italy, and finally by the President of the United States at the peace conference when this peace treaty was drawn up.

I want you to listen to the President's words.

At the plenary council of the peace conference on January 25, 1919, at which it was decided to include a league of nations in the treaty of peace, President Wilson delivered the principal address, and in it he said—

Mr. LA FOLLETTE. Mr. President—

Mr. OWEN. I yield.

Mr. LA FOLLETTE. There is very good attention upon the Democratic side of the Senate, but there is considerable conversation upon the Republican side. I want to state to the Republican Members of the Senate that the Senator from Oklahoma is reading something that President Woodrow Wilson said, and I am sure they would like to hear it. It bears upon the question that they are going to vote upon in a few minutes, and I ask for better order on this side.

Mr. OWEN. It was said at a very important time. It was said when the treaty was submitted to the plenary council in Paris. He said this, and I beg Senators to listen to this:

We are here to see that every people of the world shall choose its own masters and govern its own destinies, not as we wish, but as they wish. We are here to see, in short, that the very foundations of this war are swept away. Those foundations were the private choice of a small coterie of civil rulers and military staffs. Those foundations were the aggressions of great powers upon small. Those foundations were the holding together of empires of unwilling subjects by the duress of arms.

That was accepted by the plenary council. They understood that this was the meaning of this treaty and of section 147; and I appeal to Senators not to ignore the rights of 13,000,000 people who have come up appealing to you through their representatives—representatives chosen by the legislative authority of Egypt, representatives whose credentials were signed by 100,000 citizens.

Mr. PENROSE. Mr. President—

Mr. OWEN. I yield to the Senator from Pennsylvania.

Mr. PENROSE. How does the Senator explain that the President did not stand up for those noble principles?

Mr. OWEN. I think the President did stand up for these noble principles as far as he could. He was not omniscient and he was not omnipotent, but he did the best he could; and I am in favor of supporting him in what he has brought here, with these modifications and explanations.

Some gentlemen say that the Egyptians are incapable of self-government, and that those who advocate it are only agitators. That is what the Tories in the House of Lords said in 1775 when our forefathers demanded the right of self-government.

A review of the debates in the House of Lords, taken from the Parliamentary Register, volume 2, of the year 1775, reveals a striking analogy between the utterances of British Tories of that period, opposed to American independence, and those of British opponents to-day to Egyptian independence. In many respects the same argument is followed.

The Earl of Suffolk heatedly declared, on January 29, 1775, Parliamentary Register, 1775, volume 2, page 11, that he—

thought it a duty incumbent on the administration to pursue the object of subduing the refractory, rebellious Americans; and avowed a ministerial resolution of enforcing obedience by arms.

And the same day (*ibid.*, p. 15) Lord Viscount Townsend asked if—

the mutual interests of both countries should be destroyed in order to gratify the foolishly ambitious temper of a turbulent, ungrateful people.

Earl Gower asserted on January 20 (*ibid.*, pp. 15, 16) that he—

was well informed that the language now held by Americans was the language of the rabble and a few factious leaders; that the Delegates at the Continental Congress were far from expressing the true sense of the respectable part of their constituents.

While the Earl of Chatham—Pitt—spoke for America (*ibid.*, p. 7), as liberal Englishmen of to-day might well speak for Egypt:

The idea of coercion by troops was wanton and idle. Anger was your motive in all you did. "What! Shall America presume to be free? Don't hear them; chastise them!" That was your language. The severest judge, though it chastises, also hears the party. All the mischief has arisen from your anger. Troops and violence were ill means to answer the ends of peace. * * * (Page 9.) Maladministration has run its line; it has not a move left; it is a checkmate.

Lord Camden said on March 16 (*ibid.*, p. 82):

You arbitrarily introduce a total change into their constitution. You violate their charter rights of choosing their own council, their own assembly, their own magistrates, and invest the governor with these privileges. You rivet the dependence of their judges by making them removable at pleasure. * * * And thus, my lords, are annihilated all the securities of their freedom and happiness. * * * (Pp. 83, 84.) When such is the conduct held against America, when the severest and most comprehensive punishments are inflicted without examining the offense, when their constitutional liberties are destroyed, when their charters and their rights are sacrificed to the vindictive spirit of the moment, when you thus tear up all their privileges by the roots, is there a country under heaven, breathing the last gasp of freedom, that will not resist such oppressions and vindicate * * * such violations of justice.

Americans can not fail to lend ready sympathy to Egypt in her present plight, when they realize the same arguments and means are being used to suppress the aspirations and hopes of the Egyptians as were used to suppress the aspirations and hopes of the American colonists.

Mr. President, that is all I have to say. We fought this war for liberty. I believe in the right of men to govern themselves; and I propose to register my voice, if it be alone, for that principle.

Mr. McCORMICK. Mr. President, I assume that the Senator from Oklahoma has some recent information as to the attitude of the Executive, for when he was in Paris he dispatched the Secretary of State to the British delegation there to recognize the protectorate over Egypt.

Mr. OWEN. I have just read his words at the peace conference, which are not disputed by anybody.

Mr. McCORMICK. Sometimes in the case of this administration the fact disputes with the word.

Mr. OWEN. Then let us give our own interpretation to this language.

Mr. PENROSE. It seems to be a clear case of duplicity on the part of the President, as far as I can gather from the statement of the Senator from Illinois.

Mr. OWEN. Mr. President, I deeply regret that the President of the United States should be made mock of in this Chamber.

Mr. PENROSE. Well, this is a serious discussion.

Mr. OWEN. It is a serious discussion.

Mr. PENROSE. And the performance is very serious in its results.

Mr. NORRIS. Mr. President, I believe this is as serious a proposition as any that has been connected with this treaty. I believe that the President at the peace conference could have avoided the difficulty entirely. But I am not going to discuss that. Whether he could or not, the provision that is in the treaty was put in it. The representatives of Egypt wanted to be heard. After they had come to Paris they were denied admission to the conference, which was held behind closed doors. They were denied a hearing by Lloyd-George, they were denied a hearing by Clemenceau, and they were denied a hearing by Woodrow Wilson. We are up to the proposition as to whether we shall put into the reservations the simple reservation that has been tendered by the Senator from Oklahoma [Mr. Owen]. The interests of the people of Egypt are directly involved. It seems to me that the honor of every other nation is likewise involved.

No one doubts the loyalty of Egypt during the war. No one has questioned, as I understand, the righteousness of this reservation. I have heard no voice on the floor of the Senate raised in opposition to it, and the only objection that I have heard in the cloakroom conversations has been that England will give Egypt a good government.

It is conceded, I think, by all those who study the proposition that Egypt by this treaty is turned over to Great Britain. I ask Senators who are going to vote against this reservation on the ground that England is going to give Egypt a good government to bring that home to themselves. If England will promise us a better government than we have, are we willing to surrender our national independence and become a British colony, as we were over 100 years ago? Are we willing to be governed by some other nation or by some king on the ground that they are going to give us as good a government as we have under our own independent control, or a better one?

When the Senator from Maine [Mr. Hale] read an editorial in a Canadian paper to the effect that the league of nations was going to give Canada an opportunity to cut four counties off the north end of Maine, he was immediately seized with an idea that he ought to preserve the territory of Maine by putting in a reservation, and the Senate put it in, inconsistently, in order to prevent that question from being opened up by the league of nations on the application of Canada.

We are jealous, rightly jealous, of our national integrity and existence. The Egyptian people are just as jealous of their independence, just as anxious to maintain it as we are, and if they are able to govern themselves—and I have heard no one question it—and have in substance been promised their independence by Great Britain, as has been shown here from the records read into the Record by the Senator from Oklahoma [Mr. Owen], and by myself the other day when this question was up, then how can Senators, if they believe that it is right for the Egyptian people to govern themselves, vote against a reservation which says, in substance, that as we construe the treaty it will in effect be the duty of England to transfer the nationality of Egypt to the people of Egypt?

Mr. President, a million Egyptians went into this war. I have never yet heard of any dissent among the Egyptian people in their loyalty to our side of the war. They believed, as the record shows without dispute, that at the close of the war they were going to be an independent nation, and that Great Britain was going to make her word good. When they appointed representatives to go to Paris and meet with the representatives of other nations, those emissaries were arrested by the British Government and put in prison, without any charge of crime or anything, but simply to prevent them from going to Paris; and when, on account of the excitement in Egypt that it aroused, they were finally released and they did come to Paris, they never were able to obtain admission into the council where the treaty was made. Their petitions were ignored, their voices were unheeded, and we have a treaty before us which, in substance, turns over Egypt to Great Britain.

It seems to me that we ought to consider what has been shown among other things that have come out in this debate that after all this treaty is turning over a great portion of the world to Great Britain, giving her jurisdiction over a great portion of the civilized world, the greatest portion, as has been shown and is undisputed. When this treaty is ratified, if it is, with the exception of the Panama Canal there will be no great trade route in the world not covered by British guns. With that one exception we can not send our own commerce anywhere without going within the range of British cannon.

Thirteen million people have been promised their independence. They are able to govern themselves. They have a civilization older than ours, and it seems to me that we ought at least to agree to the reservation that the Senator from Oklahoma has offered, and make good to these people who were loyal to our cause through the struggle.

The VICE PRESIDENT. The question is on agreeing to the reservation offered by the Senator from Oklahoma [Mr. Owen].

Mr. NORRIS. I ask for the yeas and nays, Mr. President.

Mr. LA FOLLETTE. Mr. President, I ask for the yeas and nays on this reservation, and just before they are taken I am going to put this statement into the Record.

In May, 1882, a British fleet appeared before Alexandria. In June, 1882, a disturbance took place in Alexandria in which a number of Europeans were killed. On June 11 and 12, 1882, the British warships bombarded Alexandria, an unfortified city, and hundreds of Egyptians were killed and wounded.

That staged the performance for the British entrance into Egypt. British troops then occupied Egypt, with the most explicit pledges from British officials that the occupation was for the sole purpose of restoring order, and was to be temporary.

Now, listen. Sir Charles Dilke said in the House of Commons on July 25, 1882:

It is the desire of His Majesty's Government, after relieving Egypt from military tyranny, to leave the people to manage their own affairs. * * * We do not wish to impose on Egypt institutions of our own choice, but rather to leave the choice of Egypt free.

Gladstone, on August 10, 1882, when prime minister, declared in the House of Commons, in response to questions asked him as to the British intentions regarding Egypt:

I can go so far as to answer the honorable gentleman when he asks me whether we contemplate an indefinite occupation of Egypt. Undoubtedly of all things in the world, that is a thing which we are not going to do. It would be absolutely at variance with all the principles and views of His Majesty's Government, and the pledges they have given to Europe, and with the views, I may say, of Europe itself.

Lord Granville declared the government ready to begin withdrawal of the troops "at the beginning of the year 1888," a promise which was never fulfilled.

Lord Derby declared the occupation of Egypt was—and I quote his words—"temporary and provisional only." He said on February 26, 1885:

We do not propose to keep Egypt permanently. On that point we are pledged to this country and to Europe.

Lord Salisbury, a succeeding prime minister, repeated this promise on numerous occasions, denying the intention of Great Britain to establish a protectorate over Egypt.

Yet on December 13, 1914, England proclaimed her removal of the lawful Khedive of Egypt, appointed a successor, put him on the Egyptian throne, and announced that henceforth Egypt will constitute a British protectorate.

But listen to the words of King George. In order to allay the apprehensions of the Egyptian people, and in order to enlist the Egyptian people in support of the armies of the Allies, King George sent a letter, from which I quote the following:

I feel convinced that you will be able, with the cooperation of your ministers and the protectorate of Great Britain, to overcome all influences which are seeking to destroy the independence of Egypt.

That letter was widely circulated over Egypt. It was taken as an assurance that their independence was to be preserved,

and on the strength of it they enlisted more than a million Egyptians and put them into the armies in support of the Allies; and this is the answer as it is written in the treaty.

The VICE PRESIDENT. The Senator's hour has expired. The question is on agreeing to the reservation offered by the Senator from Oklahoma [Mr. OWEN], on which the yeas and nays are requested.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ASHURST (when his name was called). On this question and until the hour of 10 o'clock I am paired with the junior Senator from New York [Mr. CALDER]. I therefore withhold my vote.

Mr. CURTIS (when his name was called). I again announce my pair with the senior Senator from North Carolina [Mr. SIMMONS] and withhold my vote. If permitted to vote, I should vote "yea."

I also wish to announce that the Senator from Vermont [Mr. PAGE] is paired with the Senator from Alabama [Mr. BANKHEAD].

The roll call was concluded.

Mr. WATSON. Announcing my pair as on previous votes, I withhold my vote.

The result was announced—yeas 31, nays 46, as follows:

YEAS—31.			
Ball	France	Lenroot	Owen
Borah	Frellinghuysen	Lodge	Penrose
Brandegee	Gronna	McCormick	Phelan
Capper	Johnson, Calif.	McLean	Phipps
Chamberlain	Jones, Wash.	Moses	Smoot
Dillingham	Kenyon	New	Sutherland
Elkins	Knox	Newberry	Walsh, Mass.
Fernald	La Follette	Norris	
NAYS—46.			
Beckham	Hitchcock	Overman	Swanson
Colt	Johnson, S. Dak.	Pittman	Thomas
Dial	Jones, N. Mex.	Poindestex	Townsend
Edge	Kellogg	Pomerene	Trammell
Fletcher	Kendrick	Ransdell	Underwood
Gay	Keyes	Sheppard	Wadsworth
Gerry	King	Smith, Ariz.	Walsh, Mont.
Hale	Kirby	Smith, Md.	Warren
Harding	McCumber	Smith, S. C.	Williams
Harris	McKellar	Spencer	Wolcott
Harrison	McNary	Stanley	
Henderson	Nugent	Sterling	
NOT VOTING—18.			
Ashurst	Curtis	Page	Simmons
Bankhead	Fall	Reed	Smith, Ga.
Calder	Gore	Robinson	Watson
Culberson	Myers	Sherman	
Cummins	Nelson	Shields	

So Mr. OWEN's reservation was rejected.

Mr. JOHNSON of California. Mr. President, it was my intention to offer the reservation which was offered this afternoon and defeated by a vote of 46 to 43, but I shall content myself without offering it again, because of the lateness of the hour and because possibly it makes an inconsistency with the reservations which have been adopted, by explaining in just a brief moment to the Senate that the reservation adopted does nothing of the sort which was endeavored to be done by the reservation offered this evening. The reservation adopted assumes no obligation to be bound by any election, decision, report, or finding of the council or assembly in which any member of the league and its self-governing dominions, colonies, or parts of empire in the aggregate have cast more than one vote, and assumes no obligation to be bound by any decision, report, or finding of the council or assembly arising out of any dispute between the United States and any member of the league if such member, or any self-governing dominion, colony, empire, or part of empire united with it politically has voted.

Thus the United States Senate has spoken. It goes into the league of nations and takes the country into the league of nations where we sit with but one vote and Great Britain with six votes, and wherein, under this reservation, we lie in wait and determine, after a decision has been rendered by the six votes as against our one vote, whether or not we will be bound and whether or not we will accept the decision.

It affords some protection to the United States, and for that reason I voted for it. It does not afford the protection which ought to be afforded, and no man can save his conscience in voting for that reservation with the soothing thought that he has endeavored to protect or has at all protected his country. No man can insist that by reason of that reservation he has given either equal voting power or equal representation to his country in the league of nations with Great Britain.

Of course, there is just one way in which this could be done. That way has been denied by the United States Senate. By a vote of 46 to 43 we acknowledged the superiority of Great

Britain in this league, and we stand under our inferiority. But because there will be an inconsistency in the adoption of the particular reservation that was mine with what we have already done which might render the matter of considerable consequence and unable to be wholly corrected under the parliamentary situation, I do not carry out my original intention to offer the reservation in the Senate.

Mr. TRAMMELL. Mr. President, as one of those who supported the reservation which was adopted, I wish most emphatically to refute the statement of the Senator from California that, by a vote of 46 to 43, we acknowledged the superiority of Great Britain and the inferiority of the United States when the Senate adopted the reservation proposed by the Senator from Wisconsin [Mr. LENROOT] and rejected the one offered by the Senator from California [Mr. JOHNSON].

I admire the Senator very much, I esteem his Americanism, but he has been handing out this line of talk in the Senate for so these many months in regard to this reservation. He would have it appear that every man who does not agree with him on the question of voting, not in the council that determines the important questions, but in the assembly, is imputing to America inferiority to Great Britain.

Mr. President, I resent most emphatically any assertion that because we supported the reservation offered by the Senator from Wisconsin [Mr. LENROOT] which protects the American interests, that we consider America inferior. With me it is my own country, first, last, and always.

There is, of course, considerable sentiment in the idea that no nation should have more votes than another nation, and if we were dealing with this matter in the initiative I would very much favor trying to prevent any such condition; but we now have confronting us this condition. We are dealing with the league as it came to us from the peace conference. The conference having provided that Canada, Australia, and other dependencies and colonies of Great Britain have a voice in the assembly, it is for us now either to protect the United States by the provision contained in the reservation of the Senator from Wisconsin in the way of stating that we shall not be bound if Great Britain and her colonies have more than one vote, or else we are to say that the United States shall inflict another injury and another wrong upon the other members of the league of nations by taking unto ourselves six votes and leaving France, Italy, and the other member nations with only their one vote.

I have never known yet of two wrongs making a right, and if it is wrong for Great Britain to have her one vote and each of her colonies one vote, making a total of six votes, because such voting strength may conflict with the United States, then it is wrong for our Republic to have six votes and leave France and Italy and others that may become members of the league with only one vote each. What becomes of the axiom, "Those who seek equity must do equity"?

If the Senator believes so much in justice and is such a champion of fairness for his own country, why has he not claimed some justice and equity in the interests of France, Italy, and other member nations?

Mr. SMOOT. They will take care of themselves.

Mr. TRAMMELL. Yes; they will take care of themselves, and that is what we who have supported the reservation offered by the Senator from Wisconsin have done on the part of the United States, without heaping injury upon injury on the other nations with only one vote each. We want to leave France and Italy to take care of themselves. The reservation offered by the Senator from Wisconsin specifically provides that the United States shall not be bound upon any election, decision, or determination reached by the assembly wherein Great Britain and her colonies cast more than one vote. America's interest is made secure and protected just as much as if the reservation of the gentleman from California [Mr. JOHNSON] had been adopted.

Our Americanism and our rights are safeguarded, and I believe the American people will accord to the Senators supporting the Lenroot reservation just as much zealotness for sustaining the Republic's rights and an equal loyalty and love of country as that which throbs within the breast of the distinguished and able Senator from California.

The VICE PRESIDENT. Are there any further amendments or reservations to be offered?

Mr. LODGE. If there are no further amendments or reservations to be offered in the Senate, and I understand the Chair so declares, it now becomes necessary as the next step to reduce the reservations, and amendments if there are any—there are no amendments in this case—to a resolution of ratification. The rule provides that that resolution of ratification thus prepared must be proposed upon the subsequent day. It is therefore necessary that there should be an adjournment. I ask if the

Chair has formally declared that there are no more reservations or amendments to be offered?

The VICE PRESIDENT. The Chair inquires now, Are there any further amendments, reservations, interpretations, or suggestions to be made? The Chair hears none, and so declares that there are none.

Mr. CURTIS. Mr. President—

Mr. LODGE. I yield to the Senator from Kansas.

PROPOSED FINAL ADJOURNMENT OF THE HOUSE.

Mr. CURTIS. I ask unanimous consent for the consideration of the following resolution as in legislative session. I would like to state that the objection which was made to the resolution the other night has been withdrawn by the Senator from Arizona [Mr. ASHURST] and I think there will be no objection.

Mr. LODGE. It concerns the House entirely?

Mr. CURTIS. Yes.

The VICE PRESIDENT. The Secretary will report the resolution.

The Secretary read the resolution (S. Res. 231), as follows:

Resolved, That the consent of the Senate is hereby given to an adjournment sine die of the House of Representatives at any time prior to December 1 when the House shall so determine.

Mr. KIRBY. I do not wish to object to the resolution, but suppose the Senate agrees to the resolution and the House adjourns to-morrow, then the Senate can not adjourn at all?

Mr. CURTIS. The House to-morrow morning, when it convenes, will agree to a resolution of the House consenting to an adjournment of the Senate.

The resolution was considered by unanimous consent and agreed to.

EMPLOYEES OF RAILROAD ADMINISTRATION.

The VICE PRESIDENT. As in legislative session, the Chair asks unanimous consent to lay before the Senate the response of the Railroad Administration to the resolution submitted by the Senator from Iowa [Mr. CUMMINS] on August 20, 1919. The response will be referred to the Committee on Interstate Commerce, and the Chair understands the Senator from Iowa desires to have it printed as a public document.

Mr. CUMMINS. I ask that it be printed as a public document.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

Mr. POMERENE. May I ask the Senator from Iowa, Does the response of the Interstate Commerce Commission relate to a resolution which was passed calling for certain information with regard to wages?

Mr. CUMMINS. It is in response to a resolution I submitted last August, I think.

Mr. POMERENE. In July, I think.

The VICE PRESIDENT. The resolution was agreed to August 20, 1919.

Mr. CUMMINS. The resolution called for information in regard to wages.

Mr. POMERENE. I am glad it has come in at last.

PETITIONS AND MEMORIALS.

Mr. LODGE. Mr. President, I am going to ask unanimous consent that I may be allowed to present some petitions which I have here.

The VICE PRESIDENT. Is there objection?

Mr. LODGE. They are petitions in favor of the league of nations, signed by some thousands of women in Massachusetts.

The VICE PRESIDENT. Without objection, the petitions will be received.

The petitions are as follows:

Petitions signed by the Massachusetts committee of one hundred of the Women's Nonpartisan Committee for the league of nations and by approximately 15,000 other women of Massachusetts, residents of the following cities and towns, praying for the immediate ratification of the treaty of peace and the covenant of the league of nations:

Boston, 3,234 signatures; Beverly, Essex, Ipswich, Lynn, Manchester, Newburyport, Salem, and South Hamilton, 578; Athol, Brookfield, Harvard, Harwich, Holden, Framingham, Fitchburg, Gardner, Groton, Leicester, Littleton, Marlboro, Millville, Monson, Northboro, North Grafton, Orange, Southbridge, Sudbury, Templeton, Webster, West Brookfield, West Upton, Winchendon, and Worcester, 737; Newton, 408; Blackstone, Brockton, Fairhaven, Franklin, Freetown, New Bedford, and North Easton, 418; Ellerton, Barnstable, Bridgewater, Cotuit, Duxbury, Hanover, Hyannis, Hingham, Kingston, Nantucket, Vineyard Haven, Bourne, Norwell, Osterville, Provincetown, Sandwich, Scituate, South Yarmouth, Wareham, West Barnstable, Whitman, Woods Hole, and Plymouth, 486; Arlington, Auburndale, Bedford, Chelsea, Concord, Dedham, Dover, Everett,

Lexington, Lincoln, Malden, Medford, Melrose, Natick, Needham, Norfolk Downs, Randolph, Revere, Sharon, Somerville, South Braintree, Stoneham, Waltham, Whalen, Wellesley, Weston, Winchester, Wollaston, and Quincy, 1,435; Andover, Chelmsford, Haverhill, Lowell, Reading, Tynsboro, Wilmington, 356; Milton, 338; Sagamore, Winthrop, West Townsend, Prides Crossing, West Royalston, Hudson, Lancaster, Holliston, Norton, Whitinsville, Ayer, Holbrook, Marshfield, East Walpole, Millis, Becket, Chester, Roslindale, Dorchester, Roxbury, and Woburn, 1,801; Cambridge, 1,056; Brookline, 1,586.

Petitions signed by 451 students of Radcliffe, Wellesley, Smith, and Mount Holyoke colleges, favoring the immediate ratification of the treaty of peace and the covenant of the league of nations, were also presented by Mr. LODGE.

Mr. SMOOT and Mr. HITCHCOCK addressed the Chair.

The VICE PRESIDENT. The Chair does not want to stay here all night for morning business. The Chair will say that.

Mr. HITCHCOCK. It is getting pretty late, but I have here a petition of 3,000 women in Connecticut asking for the ratification of the treaty similar to the petitions which have been presented by the Senator from Massachusetts [Mr. LODGE], who, I understand, has petitions signed by 15,000 women from Massachusetts. Here are petitions signed by 3,000 women of Connecticut which have been gathered within 10 days.

Mr. LODGE. The petitions which I have presented are signed by over 15,000 women in Massachusetts. The Senator from Nebraska misstates the number.

Mr. HITCHCOCK. I have petitions signed by 3,000 women of Connecticut, all of which have been gathered within 10 days.

Mr. WADSWORTH. I could contribute petitions signed by 12,000 from New York, if such matters are going to be presented.

Mr. LA FOLLETTE. But they are not. I object to anything being received.

Mr. JONES of Washington presented a memorial of Montano Post No. 37, American Legion, of Montano, Wash., remonstrating against the granting of citizenship papers to aliens who were exempted from military service during the World War on account of being nonresident aliens, which was referred to the Committee on Immigration.

Mr. McLEAN presented memorials of Typewriter Lodge No. 1342, International Association of Machinists, of Hartford; of Local Union No. 215, Journeymen Barbers' International Union of America, of New Haven; and of Excelsior Lodge No. 259, International Association of Machinists, of Derby, all in the State of Connecticut, remonstrating against the adoption of the proposed antistrike clauses contained in the so-called Esh-Pomerene bill and the Cummins bill, which were ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred, as follows:

By Mr. NELSON:

A bill (S. 3448) defining sedition, the promoting thereof, providing punishment therefor, and for other purposes; to the Committee on the Judiciary.

By Mr. JONES of Washington:

A bill (S. 3449) granting an increase of pension to Cornelia A. Forbes (with accompanying papers); to the Committee on Pensions.

HEARINGS BEFORE COMMITTEE ON THE LIBRARY.

Mr. BRANDEGEE submitted the following resolution (S. Res. 232), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the Library, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-sixth Congress to send for persons, books, and papers; to administer oaths, and to employ a stenographer, at a cost not exceeding \$1 per printed page, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

HOUSE BILL REFERRED.

H. R. 10453. An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, and for other purposes, was read twice by its title and referred to the Committee on Interstate Commerce.

ADJOURNMENT.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 10 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, November 19, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, November 18, 1919.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, infinite and eternal source of all things, we realize our dependence upon Thee and lift up our hearts in gratitude for all the blessings of the past; and most fervently pray that Thou wilt continue to bless us as individuals and as a nation.

Open Thou our eyes day by day to truth, for there is nothing purer than truth, stronger than faith, brighter than hope, nor more enduring than love, that we may live our convictions now and always. In the spirit of the Lord Jesus Christ. Amen.

THE JOURNAL.

The Journal of the proceedings of yesterday was read.

Mr. WELTY. Mr. Speaker, the Journal as read provides for five legislative days for Members to extend remarks on the railroad bill.

The SPEAKER. It should be five calendar days, and the correction will be made.

The Journal was approved.

Mr. LUCE. Mr. Speaker, last evening after voting on the motion to recommit I went to the House Office Building, intending to return and take part in the final vote. To the best of my knowledge and belief the second bell failed to ring, and I arrived too late. Inasmuch as it was not my fault I ask unanimous consent that I may be recorded in the affirmative.

The SPEAKER. The House has no jurisdiction to grant that request.

BRIDGE ACROSS THE CONNECTICUT RIVER AT WINDSOR.

Mr. LONERGAN. Mr. Speaker, I call up the bill S. 3332, on the Speaker's table, a House bill identical with it being favorably reported and now on the House Calendar.

The Clerk read the bill, as follows:

A bill (S. 3332) granting the consent of Congress to the board of county commissioners of the county of Hartford, in the State of Connecticut, to construct a bridge across the Connecticut River, between Windsor Locks and East Windsor, at Warehouse Point, in said county and State.

Be it enacted, etc., That the consent of Congress is hereby granted to the board of county commissioners of the county of Hartford, in the State of Connecticut, to construct, maintain, and operate a bridge and approaches thereto across the Connecticut River, at a point suitable to the interests of navigation, one end of said bridge to be in the town of Windsor Locks and the other in the town of East Windsor, at the village of Warehouse Point, all in the county of Hartford, in the State of Connecticut, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was read the third time and passed.

On motion of Mr. LONERGAN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The bill H. R. 9850 was laid on the table.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 425. An act to establish the Zion National Park in the State of Utah.

REPORT OF THE SECRETARY OF WAR.

Mr. CRAGO. Mr. Speaker, I ask unanimous consent that the report of the Secretary of War, with accompanying documents, for the fiscal year of 1919 may be printed as a House document.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the report of the Secretary of War, with accompanying documents, may be printed as a House document. Is there objection?

Mr. WALSH. Reserving the right to object, what is the idea of having the annual reports of departments printed as House documents?

Mr. CRAGO. The law provides that reports accompanying the report of the Secretary of War shall be in the hands of the Public Printer not later than October 15. The Secretary's report is in the printer's hands as of October 15, but the reports of the Director of Chemical Warfare, the Construction Department, the report of the Chief of Artillery, the report of the Quartermaster General, the report of the Purchase, Storage and Supply, the Tank Corps, and the National Soldiers' Home were not in the hands of the Public Printer by October 15, as required by law. That was because in most cases the data necessary to make up the report was slow in coming in from the Hawaiian Islands and the Canal Zone and different fields of operation. The Public Printer takes the ground that the documents not

being in his hands by October 15 he is not justified in printing them. The officials of the House are very much interested in these different reports of officials of the department, especially the Director of the Construction Division. I am asking unanimous consent at this time that they may be printed for the use of the House as House documents.

Mr. WALSH. I do not think it is a wise practice to help delay in departments by printing documents supposed to be printed under the law and under the appropriations that may be made for printing House documents.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. MANN of Illinois. My recollection is that all reports from the heads of departments are printed as House documents.

Mr. WALSH. They are not entitled "House documents." We get them at the office as "Report of the Secretary of War," "Report of the Attorney General," and so forth.

Mr. MANN of Illinois. The gentleman is mistaken, they are all printed as House documents. The heads of the departments, in addition, print the reports by the departments and send them out, but they are annually made to the House of Representatives and printed as House documents.

Mr. WALSH. If that is so, what is the necessity of this request?

Mr. MANN of Illinois. The only question here is on account of the delay. If it had not been for the delay, it would have been printed as a House document under the law by the Public Printer, but he says that under the new law he is not authorized to print any documents not submitted by October 15.

Mr. WALSH. I would like to ask, is it not a fact that the annual reports of department heads, members of the various Cabinet positions, have a fund for printing their annual reports which are not printed as House documents?

Mr. MANN of Illinois. Oh; they print their annual reports and distribute them, but under the law they are printed as House documents, and that is the way they go into the permanent record of the Government—all of these reports.

Mr. WALSH. Those are not the copies that the Members get.

Mr. MANN of Illinois. Members get that copy later in the bound volume. The bound volume is the House document.

Mr. WALSH. They get them if they ask for them, I suppose, the same as they get any other House document after it is printed. I have no objection.

The SPEAKER. Is there objection?

Mr. HUDDLESTON. Mr. Speaker, reserving the right to object, would it not meet the gentleman's purpose to ask that these documents be printed as if they had been regularly filed within the time? That covers the point made by the gentleman from Massachusetts [Mr. WALSH]. The request of the gentleman seems to imply a duplication in the printing of these documents.

Mr. CRAGO. No; there is no duplication.

Mr. HUDDLESTON. I would suggest an amendment to the gentleman's request that he ask that these documents be printed as if they had been filed in time.

The SPEAKER. That would require the consent of the Senate.

Mr. MANN of Illinois. Probably the gentleman from Alabama does not understand that the law provides that the documents shall be printed as House documents only if submitted by October 15. The House has the power, however, to order any of these documents printed as House documents by simple resolution of the House. The House has not the power to change the law by simple resolution of the House.

Mr. CRAGO. That is a very recent act.

Mr. HUDDLESTON. So that they will be printed as House documents under the gentleman's request and also under the law?

Mr. CRAGO. Oh, no.

Mr. HUDDLESTON. I do not know enough about this to make the objection. Has the gentleman submitted a request to the Joint Committee on Printing and had its approval of it?

Mr. CRAGO. I did not have time to do that. The matter was just called up this morning, and I ascertained that the cost would be very small.

Mr. HUDDLESTON. We have members of the Joint Committee on Printing in the room.

Mr. CRAGO. Would the gentleman from Pennsylvania [Mr. KIESS] have objection to this?

Mr. KIESS. No.

Mr. BLANTON. Mr. Speaker, reserving the right to object, according to the colloquy between the gentleman from Illinois [Mr. MANN] and the gentleman from Massachusetts [Mr. WALSH] this report and other reports from the departments are

not only printed as House documents but are also printed by each department under a special fund for their special distribution.

Mr. CRAGO. No.

Mr. BLANTON. I wanted to ask the gentleman from Illinois [Mr. MANN], because he knows more about it than anyone else, whether or not there are 100 men in this Nation who read these reports?

Mr. MANN of Illinois. I could not answer that, except to say that there is one who does. I always did, and I expect to start doing it again pretty soon.

Mr. BLANTON. Oh, the gentleman reads everything while he is on his farm and in his garden.

Mr. MANN of Illinois. Oh, no; I do not read anything there.

Mr. BLANTON. Are there any others in the Nation who read them?

Mr. MANN of Illinois. Oh, certainly; there are a great many people who read these annual reports.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none, and it is so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BRUMBAUGH, for one week, on account of important business.

CONTROLLING IMPORTATION OF DYESTUFFS.

Mr. GREEN of Iowa. Mr. Speaker, I present a unanimous report from the Committee on Ways and Means with reference to extending the control of importations of dyestuffs to January 15, 1920, and ask unanimous consent for the present consideration.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 249) to continue the control of imports of dyes and coal-tar products.

Resolved, etc., That notwithstanding the prior termination of the present war, the provisions of the trading-with-the-enemy act, approved October 6, 1917, and of any proclamation of the President issued in pursuance thereof which prohibit or control the importation into the United States of dyes or other products derived directly or indirectly from coal tar, are continued until January 15, 1920.

Mr. GREEN of Iowa. Mr. Speaker, if I may be permitted a moment to explain the reason for this, the House will observe that this resolution only continues the operation of the trading-with-the-enemy act until January 15, 1920. This resolution not only has the unanimous report of the Committee on Ways and Means of the House, but has been unanimously reported by the Finance Committee of the Senate. Owing to the parliamentary situation in the Senate and the adoption of the cloture rule, while, as I understand it, no one in the Senate is opposed to the resolution, still there were Members of the Senate who thought unanimous consent ought not to be given for its consideration while the cloture rule is pending, and that has prevented its being adopted by the Senate.

Mr. KITCHIN. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. KITCHIN. As I understand it, and it so appeared before our committee, the dye-consuming industries of the country are perfectly willing to have this resolution passed.

Mr. GREEN of Iowa. Yes.

Mr. KITCHIN. They have no objection to it, although they did oppose the licensing feature in the dyestuffs bill which passed some time ago. The same people who opposed that have waived all objections to this, and think that this is necessary. That is true, is it not?

Mr. GREEN of Iowa. That is true. The consumers of dyes, the ones who are most interested in the matter, have waived all objection and have consented to the passage of this resolution. They have been thoroughly consulted in the matter.

Mr. TAYLOR of Colorado. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. TAYLOR of Colorado. Why is it that it is limited to the 15th of January, 1920? Is something to happen between now and then?

Mr. GREEN of Iowa. It is hoped that by that time we will have legislation covering it. The gentleman will remember that the dyestuffs bill proposing a tariff on dyestuffs and also providing for a license system passed this House some time ago, but owing to the consideration of the treaty in the Senate it has not been taken up by that body and can not be taken up at this session. It is considered, however, that by January 15 the Senate will be able to take up and dispose of the dyestuffs bill.

Mr. TAYLOR of Colorado. I was wondering if we would not have to pass another resolution owing to the lack of speed with which other people sometimes work?

Mr. GREEN of Iowa. I can not say.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. BANKHEAD. Under the provisions of the trading-with-the-enemy act, when does that act expire by limitation?

Mr. GREEN of Iowa. It expires on the exchange of the ratification of the treaty of peace.

The SPEAKER. Is there objection to the immediate consideration of the joint resolution? [After a pause.] The Chair hears none.

Mr. GREEN of Iowa. Mr. Speaker, I understand that this is on the Union Calendar, and I ask unanimous consent that it be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Iowa asks unanimous consent that this joint resolution be considered in the House as in the Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the joint resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 249) to continue the control of imports of dyes and coal-tar products.

Resolved, etc., That notwithstanding the prior termination of the present war, the provisions of the trading-with-the-enemy act, approved October 6, 1917, and of any proclamation of the President issued in pursuance thereof which prohibit or control the importation into the United States of dyes or other products derived directly or indirectly from coal tar, are continued until January 15, 1920.

Mr. MANN of Illinois. Will the gentleman yield for a question?

Mr. GREEN of Iowa. I will.

Mr. MANN of Illinois. Under the existing law that will run until the exchange and ratification of the treaty?

Mr. GREEN of Iowa. It will.

Mr. MANN of Illinois. Suppose the ratification of the treaty does not occur until after January 15. In the language in which it seems to be written will it then have the effect of restricting the operation of the law to January 15?

Mr. GREEN of Iowa. It will not. It will have no effect at all.

Mr. MANN of Illinois. I am not sure.

Mr. GREEN of Iowa. I will yield to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. I think the wording of the resolution simply provides notwithstanding prior termination it shall be continued. I think should the war last longer than that unquestionably the powers of the war will continue.

Mr. MANN of Illinois. It may, although the language of the resolution would indicate that Congress was of the impression it ought to stop on January 15.

Mr. LONGWORTH. I do not think that is the construction that would be placed upon it.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GREEN of Iowa, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

REIMBURSEMENT TO THE UNITED STATES FOR MOTIVE POWER, ETC., BOUGHT FOR RAILROADS.

Mr. MERRITT. Mr. Speaker, by instruction from the Committee on Interstate and Foreign Commerce I rise to ask unanimous consent for the consideration of the bill S. 3319.

The SPEAKER. The gentleman from Connecticut asks unanimous consent for the immediate consideration of the Senate bill 3319. Is there objection?

Mr. MANN of Illinois. Let it be read.

Mr. BLANTON. May we have it reported?

The SPEAKER. The Chair thought perhaps the gentleman from Connecticut might explain it in a shorter time. It can be reported if anyone wishes.

Mr. BLANTON. And unanimous consent will be preferred after that?

The SPEAKER. Certainly; it has not been granted.

Mr. WALSH. Mr. Speaker, I think the bill ought to be reported at least by title before the gentleman proceeds.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 3319) to provide for the reimbursement of the United States for motive power, cars, and other equipment ordered for railroads and systems of transportation under Federal control, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to make provision for the reimbursement of the United States for the sums advanced to provide motive power, cars, and other equipment ordered by the President for the railroads and systems of transportation now under

Federal control, herein called "carriers," pursuant to the authority conferred by the second paragraph of section 6 of the act of March 21, 1918, the President may, upon such terms as he shall deem advisable, receive in reimbursement cash, or obligations of any carrier, or part cash and part such obligations, or in his discretion he may accept for such motive power, cars, or other equipment cash or the shares of stock or obligations, secured or unsecured, of any corporation, not a carrier, organized for the purpose of owning equipment or equipment obligations, or part cash and part such shares of stock and obligations, and he may transfer to such corporation any obligations of carriers received on account of motive power, cars, or other equipment, and he may execute any instruments necessary and proper to carry out the intent of the second paragraph of section 6 of said act of March 21, 1918, to the end that title to the motive power, cars, and other equipment so ordered by the President as aforesaid for the carriers may rest in them or their trustees or nominees.

In addition to the powers herein and heretofore conferred, the President is further authorized to dispose, in the manner and for the consideration aforesaid, of motive power, cars, and other equipment, if any, provided by him in accordance with any other provisions of said section, and of any obligations of carriers that may be received in reimbursement of the cost thereof.

Sec. 2. That any contract for the sale of any motive power, cars, or other equipment ordered or provided under any of the provisions of section 6 of said act of March 21, 1918, may provide that title thereto, notwithstanding delivery of possession, shall not vest in the carrier until the purchase price, which may be payable in installments during any period not exceeding 15 years, shall be fully paid and the conditions of purchase fully performed. Any such contract shall be in writing and acknowledged or proved before some person authorized to administer oaths, and filed with the Interstate Commerce Commission within 60 days after the delivery thereof, and shall be valid and enforceable as against all persons whomsoever.

Sec. 3. That nothing herein contained shall be deemed to abrogate or limit the powers conferred upon the President by said act of March 21, 1918.

Sec. 4. That the President may execute any of the powers herein granted through such agencies as he may determine.

Sec. 5. That this act is emergency legislation, enacted to meet conditions growing out of war and to effectuate said act of March 21, 1918.

Mr. MERRITT. Mr. Speaker—

Mr. WALSH. Has the gentleman secured consent?

The SPEAKER. The Chair has not put the consent yet.

Mr. MERRITT. Mr. Speaker, this is an enabling act to allow the President to make the necessary arrangements to finance the equipment of locomotives and cars which the Railroad Administration has bought during the war and allocated—

Mr. BLANTON. Will the gentleman yield. The House was assured by the gentleman from Wyoming yesterday that after the passage of the railroad bill and this dyestuff resolution that there would be no other business taken up by the House.

Mr. MERRITT. That is true. I will say to the gentleman, however, that it was the intention of everyone to act on that statement—

Mr. BLANTON. I just want to call attention to the fact that if an adjournment is delayed very much longer the men who live on the other side of St. Louis and Kansas City down in the Southwest will not have very much time to get away from here and get home, and this is such important legislation I think we ought to have a quorum present, and I make the point.

Mr. MERRITT. The gentleman will find when he understands this that it will not take—

Mr. BLANTON. Has the gentleman bought his transportation to Connecticut?

Mr. MERRITT. I have.

Mr. BLANTON. The gentleman expects to get away to Connecticut, does he not?

Mr. MERRITT. I hope so. If the gentleman will allow me to finish this—

Mr. BLANTON. The gentleman and his colleagues who likewise expect to get away are just as anxious as the gentleman is, and we live a little farther.

Mr. MERRITT. But it will not take 10 minutes if the gentleman will allow me to go on. This is brought up at the special request of the Railway Administration, who want to finance \$400,000,000 of equipment which they bought for the Government. The effect of this bill is to insure to the President power which present legislation is thought to give him, but it is not certain. Now, if this bill is passed—

Mr. MONDELL. Will the gentleman yield to me?

Mr. MERRITT. I will.

Mr. MONDELL. The attorney of the Railroad Administration, Mr. Sherley, called me up this morning and called my attention to the important character of this legislation. That is, he said that in his opinion it was important that it be passed now, inasmuch as it relieves the Federal Government, in a way, of a very considerable obligation that will be taken over by the car equipment trust that is provided for.

Mr. MERRITT. The provisions of the arrangement which are permitted will be that title to all these engines and cars will be given to a corporation which is to be formed with the approval of the Railroad Administration, and the bankers have agreed to take enough of these trust certificates to provide the United States with \$200,000,000 of cash, which otherwise the

Government could not have. If this bill is not passed, then the United States may have to carry these obligations for some years, but it is expected the United States will be immediately reimbursed by \$200,000,000 of cash, and they will have obligations of this car trust corporation secured by the collateral of the engines and cars, so that they will be certain to be repaid the entire debt of approximately \$400,000,000 by the time the car trust matures.

Mr. ESCH. Will the gentleman yield?

Mr. MERRITT. I will.

Mr. ESCH. Unless this bill goes through the Government would not be able to realize possibly more than \$100,000,000? If it goes through it immediately realizes \$225,000,000?

Mr. MERRITT. Yes.

Mr. SNELL. Will the gentleman yield for a further question?

Mr. MERRITT. I will.

Mr. SNELL. This is one proposition in connection with the return of the railroads that the House committee entirely agrees upon, together with the Senate and the Railway Administration?

Mr. MERRITT. Yes, sir; the bill has been passed by the Senate.

Mr. SNELL. It is one thing that everybody agrees upon?

Mr. MERRITT. It is one thing that everybody agrees upon. I have heard no objection.

Mr. KITCHIN. If I understand it, this practically would enable the Government, if passed, to get \$200,000,000 right off the bat from the railroads?

Mr. MERRITT. It would.

Mr. KITCHIN. And if this does not pass, the Government will have to carry that \$200,000,000 for 10 or 15 years?

Mr. MERRITT. That is correct.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. MERRITT. Mr. Speaker, I ask that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the bill be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That in order to make provision for the reimbursement of the United States for the sums advanced to provide motive power, cars, and other equipment ordered by the President for the railroads and systems of transportation now under Federal control, herein called "carriers," pursuant to the authority conferred by the second paragraph of section 6 of the act of March 21, 1918, the President may, upon such terms as he shall deem advisable, receive in reimbursement cash, or obligations of any carrier, or part cash and part such obligations, or in his discretion he may accept for such motive power, cars, or other equipment, cash or the shares of stock or obligations, secured or unsecured, of any corporation, not a carrier, organized for the purpose of owning equipment or equipment obligations, or part cash and part such shares of stock and obligations, and he may transfer to such corporation any obligations of carriers received on account of motive power, cars, or other equipment, and he may execute any instruments necessary and proper to carry out the intent of the second paragraph of section 6 of said act of March 21, 1918, to the end that title to the motive power, cars, and other equipment so ordered by the President as aforesaid for the carriers may rest in them or their trustees or nominees.

In addition to the powers herein and heretofore conferred, the President is further authorized to dispose, in the manner and for the consideration aforesaid, of motive power, cars, and other equipment, if any, provided by him in accordance with any other provisions of said section, and of any obligations of carriers that may be received in reimbursement of the cost thereof.

Also the following committee amendment was read:

Page 2, line 21, strike out the words "any other provisions" and insert the words "the first paragraph."

Mr. ESCH. Mr. Speaker, in view of the fact that voting in the bill of the committee amendments, which were practically verbal, relating to punctuation and the insertion of paragraphs instead of sections, I think the amendments recommended and made by the committee should be voted down, so that there will be no further action necessary on the part of the Senate.

The SPEAKER. The question is on the committee amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Sec. 2. That any contract for the sale of any motive power, cars, or other equipment ordered or provided under any of the provisions of section 6 of said act of March 21, 1918, may provide that title thereto, notwithstanding delivery of possession, shall not vest in the carrier until the purchase price, which may be payable in installments during any period not exceeding 15 years, shall be fully paid and the conditions of purchase fully performed. Any such contract shall be in writing, and acknowledged or proved before some person authorized to administer oaths, and filed with the Interstate Commerce Commission within 60 days after the delivery thereof, and shall be valid and enforceable as against all persons whomsoever.

The following committee amendment was read:

Committee amendment, page 3, line 1, after the word "of," where it appears the second time in the line, insert "the first or second paragraph of."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 5. That this act is emergency legislation, enacted to meet conditions growing out of war and to effectuate said act of March 21, 1918.

Mr. WALSH. Mr. Speaker, I would like to ask the gentleman what section 5 is intended to imply? That because this is emergency legislation the Executive has additional power, or that it—

Mr. MERRITT. I do not think it adds anything to the power which he has under the act of March 21, 1918. It is to make certain that the power he has will be acceptable to the counsel for the bankers.

Mr. WALSH. If that was not in there the bankers might default?

Mr. MERRITT. So far as I know.

Mr. ESCH. Will the gentleman yield? I think the language inserted by the person who drafted it was on account of a section of the Federal reserve act, which is as follows:

That this act is expressly declared to be emergency legislation enacted to meet conditions growing out of war.

Mr. WALSH. Of course, the Federal control act would be invalid if that particular paragraph did not appear.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. MERRITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGES AT CHINCOTEAGUE ISLAND, VA.

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill (S. 2961) to authorize the county of Accomac, Va., to construct certain bridges to connect Chincoteague Island with the mainland.

The SPEAKER. The gentleman from Virginia asks unanimous consent for the immediate consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (S. 2961) authorizing the county of Accomac, Va., to construct certain bridges to connect Chincoteague Island and the mainland.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the county of Accomac, in the State of Virginia, be, and it is hereby, authorized to construct, maintain, and operate, at points suitable to the interests of navigation, six highway bridges and approaches thereto across Mosquito Creek, Cockle Creek, Queen Sound, Wire Narrows, Black Narrows, and Chincoteague Channel for the purpose of connecting Chincoteague Island to the mainland, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. MONTAGUE. Mr. Speaker, I ask leave to amend the bill in accordance with the amendment which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Virginia.

The Clerk read as follows:

Amendment offered by Mr. MONTAGUE: Page 1, line 3, after the word "the," where it first appears in the line, strike out the words "county of Accomac, in the State of Virginia," and insert "Chincoteague Toll Road & Bridge Co. (Inc.), a corporation created by and existing under the laws of the Commonwealth of Virginia."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill as amended.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent that the Clerk may be instructed to change the title of the bill to conform to the amendment which has just been adopted.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the Clerk may be instructed to change the title of the bill to conform to the amendment. Is there objection?

There was no objection.

On motion of Mr. MONTAGUE, a motion to reconsider the vote whereby the Senate bill was passed was laid on the table.

Mr. GARRETT. Mr. Speaker, is there a similar bill on the House Calendar?

The SPEAKER. The Chair is not advised.

EXTENSION OF REMARKS.

Mr. GREENE of Vermont. Mr. Speaker, I ask unanimous consent to extend my remarks by printing the correspondence with the Federal Railroad Administration in regard to a point of constitutional law involved in the original taking over of the railroads.

The SPEAKER. The gentleman from Vermont asks unanimous consent to extend his remarks by printing correspondence with the Railroad Administration in regard to a point of constitutional law in taking over the railroads. Is there objection?

There was no objection.

Mr. SLEMP. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the coal strike.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks on the coal strike. Is there objection?

Mr. BLANTON. Reserving the right to object, Mr. Speaker, are they the gentleman's own remarks, with no insertions?

Mr. SLEMP. They are my own remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. HULINGS. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. Will the gentleman reserve that for a moment?

Mr. HULINGS. Yes.

The SPEAKER. In the meantime the Chair will recognize the gentleman from Illinois [Mr. IRELAND], or the gentleman from Michigan [Mr. MAPES], from the Committee on Accounts.

EMIL EDWARD HURJA.

Mr. MAPES. Mr. Speaker, I present a privileged resolution from the Committee on Accounts.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the consideration of a resolution, which the Clerk will report.

Mr. MANN of Illinois. It is privileged.

The Clerk read as follows:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay out of the contingent fund of the House to Emil Edward Hurja, clerk to the late Hon. Charles A. Sulzer, a Delegate in Congress from Alaska at the time of his death, April 15, 1919, the sum of \$166.66, being an amount equal to one month's salary of a clerk of a Delegate in Congress.

The SPEAKER. Is there objection to the immediate consideration of the resolution?

Mr. LANKFORD. Mr. Speaker, reserving the right to object, is there any way to ascertain how long this unanimous-consent matter is going on? There are a great many of us who want to go home, and if we are to be tied up by unanimous consents we can not go to-day.

Mr. MAPES. We have only two or three resolutions.

Mr. LANKFORD. I think I shall have to object.

Mr. MONDELL. I will say to the gentleman that no unanimous consents will be asked except as to some minor matters of accounts.

Mr. LANKFORD. They are causing delay.

Mr. SIMS. There will not be any roll call anyway. Nobody will know whether any gentleman has gone or not.

The SPEAKER. Is there objection to the consideration of the resolution?

There was no objection.

The SPEAKER. The Clerk will report it.

The resolution was again read.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

SESSION EMPLOYEES OF THE HOUSE.

Mr. IRELAND. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk and ask that it be read.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

Resolved, That the session employees of the House of Representatives shall be paid for the entire month of November, 1919, and a sum sufficient to pay such employees from the date of adjournment of the present session to and including November 30, 1919, shall be paid from the contingent fund of the House.

The SPEAKER. Is there objection to the immediate consideration of the resolution?

Mr. MANN of Illinois. Mr. Speaker, I should like to ask if the House is going to adjourn—is Congress going to adjourn—before the 28th or 29th of the month?

Mr. MONDELL. Mr. Speaker, if that inquiry is directed to me—

Mr. MANN of Illinois. Well, it is—

Mr. MONDELL. I will say that we hope that the conditions will be such and matters will so develop in the Senate to-day that we can secure an agreement upon a resolution of adjournment by to-morrow. [Applause.] We are not absolutely certain in regard to that; but in the meantime, Mr. Speaker, there will be no business transacted in the House.

Mr. MANN of Illinois. That is what the gentleman stated yesterday. Yet we are running along, transacting business to-day—

Mr. MONDELL. By unanimous consent.

Mr. MANN of Illinois. I know; but the man who is away from here can not object. The man who is away, on the assurance that there will be no business transacted, can not object.

Mr. MONDELL. The assurance was that there was going to be no legislation of importance. I assume that no one will object to the payment of the salaries of the employees of the House for the few days at the end of the session.

Mr. MANN of Illinois. But we passed a bill this morning involving \$400,000,000. It may be that in my absence Congress has gotten to the pass where \$400,000,000 is of minor consideration, but I still have the old-fashioned idea that it is of some importance.

Mr. MONDELL. I am sorry that the gentleman from Illinois has not been here for some time, and I am delighted that he is here now; but in his absence I think it was generally understood in the House that the car or equipment trust bill would be brought up immediately after the consideration of the railroad bill and passed.

Mr. MANN of Illinois. I did not object to it.

Mr. MONDELL. It was not called up last night, but at the urgent request of the Director of the Division of Finance of the Railway Administration, Mr. Sherley, an esteemed former Member of this House, it was called up this morning. It is a matter that the Members of the House have understood to be one of the things that ought to be disposed of before we adjourn.

Mr. MANN of Illinois. That has nothing to do with the question as to what we are going to do in the future. Now, there is a resolution pending—

Mr. MONDELL. As far as I am concerned, I shall make the motion to adjourn if a motion to transact business is made. There are one or two minor matters from the Committee on Accounts which, if they were agreed to, would practically dispose of the chips and whetstones that remain.

Mr. KITCHIN. The gentleman means that he will make that motion after to-day?

Mr. MONDELL. Yes.

Mr. SIMS. Why not pass the resolution of adjournment to-day, to take effect to-morrow? Then if the Senate amends it we can come back and agree to the amendment.

Mr. MONDELL. I think the conditions will clear to-day so that we can secure the passage of an adjournment resolution to-morrow.

Mr. MANN of Illinois. Will the gentleman tell us whether that resolution of adjournment contemplates the immediate adjournment of Congress, both the House and the Senate, or whether it contemplates adjournment of the House by permission of the Senate, and later the adjournment of the Senate?

Mr. MONDELL. That is what we had in mind, that there would either be a concurrent resolution which would allow either body to adjourn when its business was concluded, or a resolution passed by each of the two bodies giving its consent to the adjournment of the other. That would fulfill the constitutional requirement, and we hope to secure one or the other of these arrangements to-morrow. In the meantime no further business of importance will be transacted. I understand there are one or two small resolutions from the Committee on Accounts, but I shall move to adjourn if a motion is made to transact any important business.

Mr. WINGO. The gentleman does not intend to shut out the conference report on the foreign finance bill, does he?

Mr. MONDELL. I do not intend to shut it out, no; but my opinion is that the understanding we have had is such that we can not in good faith now take up the conference report.

Mr. WINGO. To what understanding does the gentleman refer? The gentleman may have had that understanding with gentlemen who put their desire to go home above the public business.

Mr. MONDELL. I do not believe that any interest will be injured or that there will be any loss to the public or the public service if that bill does not become a law until the 1st of December. But at any rate Members are anxious to get home. They were promised that they could go home after the passage of the railroad bill. The understanding was that business would not be transacted after that, and it seems to me the bill to which the gentleman refers is not a vital piece of legislation, the benefits of which will be less by reason of a few days' delay, although it is very important, and ought eventually to be placed upon the statute books.

Mr. WINGO. If the gentleman will permit me, I will say this much: As far as I am concerned, I think in the present condition of foreign exchange, and the effect it is having upon products all over the United States, it would be folly for Congress to adjourn with the conference report on the calendar, and I for one am not a party to any such agreement, and I will use every method I have to prevent adjournment with the situation like it is. The moral effect of quickly agreeing to that bill will be great. [Applause.]

Mr. MANN of Illinois. Mr. Speaker, I believe the best thing Congress can do, the House especially, is to adjourn and go home. [Applause.]

Mr. SIMS. I want to help it.

Mr. MANN of Illinois. I am not going home. I have just come from seeing my constituents, but the House ought to have an understanding, either that it will or will not do business. Members who are told that they can go away have the right to know that matters will not come up and be considered in their absence. No one knows what some Member might wish to object to. Either we will stay here and do business with a quorum, or there will be no further business transacted after to-day in the House.

Mr. LONGWORTH. I agree with the gentleman that we ought not to transact any important business, but does the gentleman think it would be wise for the House to take a formal adjournment until after the treaty is disposed of in the Senate?

Mr. MANN of Illinois. I think it would be wise for the House to take a formal adjournment before the next session of Congress. That answers the gentleman's question.

Mr. LONGWORTH. I do not think it specifically answers it.

Mr. MANN of Illinois. Oh, I think it does.

Mr. SIMS. Will it not take a quorum to adjourn?

Mr. MANN of Illinois. It does not take a quorum to adjourn.

Mr. SIMS. I mean to adjourn the session of Congress until December.

Mr. MANN of Illinois. Whether that be so or not, if Members are told that they can go home, there ought to be an understanding that there will be no business transacted in their absence.

Mr. SIMS. That is right; but what about the point of no quorum? We have heard what the gentleman from Arkansas said.

Mr. MANN of Illinois. It does not make any difference. If Members are told that they can go home, there will be no other business transacted.

Mr. SIMS. I would like to see an adjournment resolution passed, and the question is, Will we have a quorum to do it?

The SPEAKER. The question is on agreeing to the resolution offered by the gentleman from Illinois [Mr. IRELAND].

The resolution was agreed to.

Mr. MONDELL. I hope that by to-morrow we can secure an agreement for an adjournment of Congress. I now move that the House adjourn.

Mr. HULINGS. I hope the gentleman will reserve that motion for a moment.

Mr. KITCHIN. Are you not going to let the Committee on Accounts get in its resolutions?

Mr. WINGO. Why can we not get up the conference report on the foreign finance bill? It is ready, and the House will agree to it, because the House got everything in the conference report.

Mr. SANFORD. Regular order!

Mr. HULINGS. I ask unanimous consent that I may proceed for three minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HULINGS. Mr. Speaker, I have sought this opportunity to bring to the attention of the House a matter that is being bruited about all over the country in the public press. I refer particularly to the press reports that were made the other morning concerning the cruelty and extreme harshness with which the military prisoners are treated up here at Fort Jay, N. Y. I

have also had some private communications from inmates and others concerning an institution making complaints of harshness and cruelty to enlisted men of the United States Army, and I have introduced a resolution of this import:

Whereas if these charges are untrue, scandalous, and libelous, the general public should be informed of their falsity and the military authorities be relieved of unjust reproach; and
Whereas if these charges are true, the military authorities responsible therefor should be subject to prompt and condign punishment.

Therefore I have introduced a resolution that a committee of three of the House be appointed for the purpose of going to Fort Jay and investigating the whole matter. That resolution has been referred to the Committee on Rules, and if it is in order, Mr. Speaker, I would ask unanimous consent for its immediate consideration.

The SPEAKER. It is not in order.

Mr. HULINGS. I wanted to bring those charges to the attention of the House. These charges are being brought on all hands. The kinsfolk of these men are agitated and alarmed and indignant. Complaints are coming from the men, and the truth or falsity of the charges ought to be investigated. The Adjutant General yesterday morning denied the truth of them, but I doubt whether he knows anything about it. The people responsible for the conduct of that institution certainly would not report to him that there was anything wrong with the management.

Mr. GARRETT. Will the gentleman yield?

Mr. HULINGS. I will.

Mr. GARRETT. At what point in New York did the gentleman mention?

Mr. HULINGS. Fort Jay.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. GARRETT. I ask that the gentleman have one minute more.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARRETT. I am asking for information. Is that the same point at which one of the subcommittees on expenditures in the War Department took testimony?

Mr. HULINGS. I do not know.

Mr. GARRETT. One of the subcommittees of the Committee on Expenditures, I think the one of which the gentleman from North Dakota [Mr. JOHNSON] is chairman made some investigation at some point in New York. I am not sure whether it was at this point or not.

Mr. HULINGS. I do not know what the fact is, but I do know that this matter ought to have some examination.

The SPEAKER. The time of the gentleman from Pennsylvania has again expired.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock p. m.) the House adjourned until to-morrow, Wednesday, November 19, 1919, at 12 o'clock noon.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RUBEY: A bill (H. R. 10652) to provide for the erection of a post-office building at Mountain Grove, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10653) to provide for the erection of a post-office building at Lebanon, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. MILLER: A bill (H. R. 10654) to amend section 24 of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916; to the Committee on Military Affairs.

By Mr. McFADDEN: A bill (H. R. 10655) to repeal section 16 of the act of Congress approved July 17, 1916, known as the Federal farm loan act; to the Committee on Banking and Currency.

By Mr. RANDALL of California: A bill (H. R. 10656) to authorize air mail service between New York, N. Y., and Los Angeles and San Francisco, Calif.; to the Committee on the Post Office and Post Roads.

By Mr. HADLEY: A bill (H. R. 10657) to construct a public building for a post office at the city of Port Angeles, Wash.; to the Committee on Public Buildings and Grounds.

By Mr. WALSH: A bill (H. R. 10658) for the improvement of the harbor at Scituate, Mass.; to the Committee on Rivers and Harbors.

By Mr. TINKHAM: Resolution (H. Res. 394) requesting the Attorney General to furnish to the House of Representatives certain information regarding the fixing the price of sugar; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANTRILL: A bill (H. R. 10659) granting an increase of pension to Jane Polsgrove; to the Committee on Pensions.

By Mr. CHINDBLOM: A bill (H. R. 10660) granting an increase of pension to Lula M. Jones; to the Committee on Invalid Pensions.

By Mr. DEWALT: A bill (H. R. 10661) granting an increase of pension to James D. Ash; to the Committee on Invalid Pensions.

By Mr. HICKEY: A bill (H. R. 10662) granting a pension to Frances E. Parmater; to the Committee on Invalid Pensions.

By Mr. HOCH: A bill (H. R. 10663) granting an increase of pension to Robert S. McCreary; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10664) granting an increase of pension to Margaret Patton; to the Committee on Invalid Pensions.

By Mr. IRELAND: A bill (H. R. 10665) granting an increase of pension to Noah C. Reichelderfer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10666) granting a pension to Nellie F. Boyd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10667) granting an increase of pension to Lavina Humfrey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10668) granting an increase of pension to Joseph Black; to the Committee on Invalid Pensions.

By Mr. LONERGAN: A bill (H. R. 10669) granting an increase of pension to Lillian Brown; to the Committee on Invalid Pensions.

By Mr. McPHERSON: A bill (H. R. 10670) granting a pension to George Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10671) for the relief of Catharine Bedell; to the Committee on Military Affairs.

By Mr. MILLER: A bill (H. R. 10672) for the relief of George D. Root; to the Committee on Claims.

By Mr. SELLS: A bill (H. R. 10673) granting an increase of pension to J. F. Smith; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BYRNS of Tennessee: Papers accompanying the bill (H. R. 10624) granting an increase of pension to Mary S. Wilson; to the Committee on Pensions.

By Mr. ELSTON: Resolutions of the Berkeley Defense Corps, Berkeley, Calif., recommending acceptance by the United States of a mandatory for Armenia; to the Committee on Foreign Affairs.

By Mr. FULLER of Illinois: Petition of Eli Bowyer Post, No. 92, Department of Illinois, Grand Army of the Republic, supporting general pension bill, House bill 9369; to the Committee on Invalid Pensions.

By Mr. McGLENNON: Petition of the Grand Lodge of the Benevolent and Protective Order of Elks, for the enactment of House bill 1412, known as the Mondell bill; to the Committee on the Public Lands.

By Mr. MOORE of Pennsylvania: Resolution of the Philadelphia Chamber of Commerce, approving the action taken by the Department of Justice for the suppression of radicalism in the United States; also urging Congress to amend immigration laws so as to exclude from the country undesirable aliens; to the Committee on the Judiciary.

By Mr. O'CONNELL: Petition of Detectives' Endowment Association of the city of New York, favoring the passage of House bill 6659; to the Committee on Expenditures in the Treasury Department.

By Mr. SINCLAIR: Petition of executives of American Train Dispatchers' Association, Railroad Yardmasters of America, Railway Traveling Auditors' Association, Roadmasters and Supervisors' Association, and National Order of Railroad Claim Men, asking that Congress safeguard semi-official employees of the railroads in pending railroad legislation in the right to have their grievances as to wages or discriminations settled in the courts created for adjustment of grievances of the classified employees; to the Committee on Interstate and Foreign Commerce.

Also, petition of Lodge No. 42, International Association of Machinists, Williston, N. Dak., protesting against the return of the railroads to private operation, and protesting against the labor organizations liability clause in the Esch bill; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of North Dakota: Petition of North Dakota Educational Institution, adopted at Minot, N. Dak., indorsing the Smith-Towner bill; to the Committee on Education.

SENATE.

WEDNESDAY, November 19, 1919.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come before Thee as we face the tremendous responsibilities of this hour. The welfare of millions is dependent upon the action of the Senate. We would seek the guidance of the God of our fathers in the performance of our duty. We pray for Thy spirit, the spirit of wisdom and counsel, the spirit of a sound mind, that we may do our duty as in God's sight, and so well perform it as that it may have Thy approval. We ask for Jesus' sake. Amen.

TREATY OF PEACE WITH GERMANY.

The VICE PRESIDENT. The Chair lays before the Senate the treaty of peace with Germany.

The Senate, in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. LODGE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hale	McNary	Smith, Ariz.
Ball	Harding	Moses	Smith, Ga.
Bankhead	Harris	Myers	Smith, Md.
Beckham	Harrison	Nelson	Smith, S. C.
Borah	Henderson	New	Smoot
Brandegee	Hitchcock	Newberry	Spencer
Caldwell	Johnson, Calif.	Norris	Stanley
Capper	Johnson, S. Dak.	Nugent	Sterling
Chamberlain	Jones, N. Mex.	Overman	Sutherland
Cott	Jones, Wash.	Owen	Swanson
Cullerson	Kellogg	Page	Thomas
Cummins	Kendrick	Penrose	Townsend
Curtis	Kenyon	Phelan	Trammell
Dial	Keyes	Phipps	Underwood
Dillingham	King	Pittman	Wadsworth
Edge	Kirby	Pol Dexter	Walsh, Mass.
Elkins	Knox	Pomerene	Walsh, Mont.
Fernald	La Follette	Ransdell	Warren
Fletcher	Lenroot	Reed	Watson
Frelinghuysen	Lodge	Robinson	Williams
Gay	McCormick	Sheppard	Wolcott
Gerry	McCumber	Sherman	
Gore	McKellar	Shields	
Gronna	McLean	Simmons	

The VICE PRESIDENT. Ninety-three Senators have answered to the roll call. There is a quorum present.

Mr. LODGE. Mr. President, I present the resolution of ratification, including the reservations adopted by the Senate. I am very sorry that we have not copies of it. I am told that it will be here in a few moments, so that every Senator can have a copy.

Mr. President, I understood that it was desired that the Senator from Nebraska [Mr. HITCHCOCK] might have the opportunity to offer for the resolution which I have moved a substitute ratifying the treaty without any reservation or amendment whatever, just as it stands. If the Senator desires to do so, I ask unanimous consent that he may be permitted to offer as a substitute for the resolution I have presented a resolution ratifying the treaty without any amendment or reservation.

Mr. FLETCHER. Mr. President, I call the Senator's attention to the use of language which is somewhat different in the resolution as printed from the reservation adopted by the Senate. I refer to the first reservation, where it reads—

The reservations and understandings adopted by the Senate are:

And so forth. Instead of the word "understandings" the Secretary read "conditions."

Mr. LODGE. The word "conditions" was put in by a mistake. That is not the way the reservation was adopted. The language ought to be "reservations and understandings."

Mr. FLETCHER. But the resolution does not contain the word "understandings"; it contains the word "conditions."

Mr. LODGE. It must contain the word "understandings." I want to say to the Senator that in some way the language of the first sentence has been incorrectly stated. The correct reading of the first resolution is "reservations and understandings."

Mr. FLETCHER. I think as it has been read, if the Senator will allow me, the word "conditions" has been used instead of "understandings."

Mr. LODGE. The word "conditions" was not intended and has no business there.

Mr. FLETCHER. I am speaking of the resolution as it was read.

Mr. LODGE. There has been omitted the clause "which are hereby made a part and a condition of the resolution of ratification." That is the phrase which was used. On yesterday in conjunction with the officials at the desk I arranged a correct copy of the resolution, but I understand the Secretary can not give me that copy now, it having gone to the Printing Office. However, it is not correctly stated. I am sorry to delay the Senate but I must make it correct. [A pause.]

I now have a corrected copy as it was adopted by the Senate. I am using the committee print which has just come from the printer from which is omitted one clause which Senators can put in for themselves. As corrected the resolution reads:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty of peace with Germany concluded at Versailles on the 28th day of June, 1919, subject to the following reservations and understandings, which are hereby made a part and condition of this resolution of ratification, which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted by an exchange of notes as a part and a condition of this resolution of ratification by at least three of the four principal allied and associated powers, to wit, Great Britain, France, Italy, and Japan.

Mr. McCORMICK. Mr. President, will the Senator read the omitted clause a second time?

Mr. LODGE. The omitted clause, coming after the word "understandings," is "which are hereby made a part and condition of this resolution of ratification."

Mr. KNOX. Mr. President, a parliamentary inquiry. Has the Senate upon its Secretary's desk the absolute record of what we did, to which we can refer without any reference to what the printers have done, or what mistakes there may be in the print; or, are these original records sent to the printer?

The VICE PRESIDENT. They are not original records. As reservations are adopted they appear in the CONGRESSIONAL RECORD.

Mr. KNOX. Do they not appear in any minute book?

The VICE PRESIDENT. Oh, yes; certainly.

Mr. LODGE. They all appear in the Journal.

The VICE PRESIDENT. Yes; they all appear in the Journal.

Mr. LODGE. And they have all been taken from the Journal, and are in this print from the committee.

Mr. KNOX. Very well. Then we are in such a position that if we find an error here we can correct it by reference to the Journal. Is that the idea?

Mr. LODGE. Absolutely. They were taken carefully from the Journal last night.

I submitted a unanimous-consent request, Mr. President.

Mr. HITCHCOCK. Mr. President, I understand that the Senator from Massachusetts suggests that the Senate might give unanimous consent for us to propose a resolution of unqualified ratification to be voted on at this time.

I thank the Senator from Massachusetts for the suggestion; but it is the consensus of opinion over here that inasmuch as the Senate has already taken up these reservations and has committed itself to the reservations proposed by the Senator from Massachusetts, it would not be timely to propose now, while Senators are bound by pledges, a resolution of unqualified ratification. If the Senator will permit us to secure unanimous consent for such a resolution immediately following the vote upon his resolution, we shall be very glad to avail ourselves of it.

Mr. LODGE. Mr. President, of course, if the Senator does not care for the unanimous consent which I have asked for, I shall withdraw my request; but I can assure him that he is mistaken if he thinks that pledges have been given which will be set aside. There have been no pledges. The votes that have been given have been the free, undictated votes of the Senators on this side, and, in my judgment, they will not be modified by any talk of withdrawal of pledges.

Mr. SMITH of Georgia. Mr. President, I have given the best thought of which I was capable to this treaty and to these reservations. I have declined to allow my views to be controlled by those of any one else. There are parts of these reservations that do not accord exactly with what I would prefer.

The introductory resolution, I think, is ill-advised. I believe it would be much better if, by acquiescence, the other nations agreed to our action, and if our treaty with Germany was in no sense dependent even upon their acquiescence. I

regard the language in the Monroe doctrine reservation as too extreme, and also in the Shantung reservation. But, Mr. President, the treaty with these reservations is vastly better than the treaty without them. As between the treaty with these reservations and a resolution of ratification without reservations, I have no difficulty in reaching a conclusion. These reservations free the treaty from language of uncertainty. They take from it provisions doubtful, provisions which, both on account of uncertainty and their doubtful nature, must necessarily lead to disputes, and from disputes to war.

There is no intelligent provision in the treaty as to who shall determine whether a nation seeking to withdraw has complied with its obligations. The second reservation clarifies that question, and declares that the United States will pass for itself upon the question of a performance of its obligations in case of a notice to withdraw.

The language of the treaty with reference to our domestic problems, including immigration, with reference to the questions that are to be investigated by the council and even submitted to arbitration, is doubtful and unsatisfactory. It is language calculated to bring dispute, and to involve this Nation in war. It is language not to preserve peace, but language to bring war. The reservation upon that subject is excellent, and meets my hearty approval.

The language of the league covenant with reference to mandates is doubtful and uncertain. Constructed by an Englishman, naturally he had the English practice in view; and under the English practice the representative of Great Britain in the council, under the direction of the ministry in London, would control the action of Great Britain and accept mandates. I am utterly unwilling for a member of the council 3,000 miles away, even by direction of the President, to put a mandate upon the United States, and especially that mandate which is now being so often suggested—a mandate for one country to handle the Turkish Empire.

The language in the covenant grew out of the English practice. While this great power is given to the English ministry, it is all subject to the control of Parliament, because the moment the British ministry disregards the wishes of Parliament a vote of disapproval retires the ministry. No such system exists in this country, but rather if a Member of the Senate disagrees with the administration, steps are taken to retire the Senator. [Laughter.]

The league covenant gives Great Britain six votes and gives the United States only one vote in the league assembly. A reservation provides that the United States will assume no obligation to be bound by any vote or decision of the league where a member and its colonies cast more than one vote.

Then, when we come to article 10, the reservation is not quite as strong as I wish it were, but it is a vast improvement upon the article as it is found in the covenant. I can not consent to see a treaty fastened upon this country, if I can prevent it, which places upon our country the burden that the first paragraph of article 10 places upon it. I hope no treaty will ever be ratified with a reservation less strong, so far as article 10 goes, than the reservation now in this list of reservations. To preserve the status quo of the world is practically its effect. After exquisite language about "freeing subject nations" and "self-determination" expressing the attitude of the United States, we practically assume under article 10 the burden of maintaining the status quo, when nearly one-third of the peoples of the world are subject nations under our four principal allies. I can not vote for such an article. I can not vote such an obligation upon the people of my country. I can not vote to draft our boys for every war and to maintain the present world status. I shall vote for the resolution and the reservations that have been presented, although, as I stated before, in several respects I would be gratified to see them changed; but they are so much better than the treaty as it stands that, as I desire the treaty ratified even with these reservations, I support them.

Mr. President, it is a question for each Senator to decide for himself. I wish each Senator would decide it for himself. Party obligations can not rise as high as duty to your country. I dislike to disagree with my party associates, but on a question of this importance I am constrained to do so. I believe that the league covenant as it stands involves such sacred rights of our country, and is calculated to bring such distress upon our people, that I would be faithless to my obligations if I failed to vote for ratification with reservation.

Mr. KNOX. Mr. President, I have voted in the Committee on Foreign Relations and also in the Senate for the reservations that are attached to this resolution of ratification, but as I intend to vote against the resolution of ratification itself I think I should place in the RECORD the reasons for that course.

I voted for the reservations because I wanted to make the treaty as little harmful and as little obnoxious to our Constitution and the spirit and institutions of my country as it was possible, keeping in view the temper of the committee and the temper of the Senate. But, Mr. President, while these reservations have been helpful in that direction, in my deliberate judgment, formed after the most careful and painstaking study of this instrument, a study undertaken with no original attitude of unfriendliness toward it, as it stands with these reservations it is my judgment that it imposes obligations upon the United States which under our Constitution can not be imposed by the treaty-making power. It delegates powers and functions to an extraneous body of such a nature that only the people of the United States by an amendment to the Constitution could confer, and I think no man need make apology who can conscientiously say that if he were to vote for the resolution of ratification of this treaty he would be consciously committing deliberate perjury, perjury to the oath taken to support the Constitution against foreign and domestic enemies—and it has been assailed by both—and converting his seat here from a seat of honor to a seat of dishonor.

Mr. LODGE. Mr. President, I have received from the press a copy of a letter which has been given out, I understand, and which I think, as the Senator from Nebraska [Mr. HITCHCOCK] has not offered it, should be read at this time before we vote.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read.

Mr. LODGE. It can be read in my time.

The Secretary read as follows:

THE WHITE HOUSE,
Washington, 18 November, 1919.

MY DEAR SENATOR: You were good enough to bring me word that the Democratic Senators supporting the treaty expected to hold a conference before the final vote on the Lodge resolution of ratification and that they would be glad to receive a word of counsel from me.

I should hesitate to offer it in any detail, but I assume that the Senators only desire my judgment upon the all-important question of the final vote on the resolution containing the many reservations by Senator LODGE. On that I can not hesitate, for, in my opinion, the resolution in that form does not provide for ratification but, rather, for the nullification of the treaty. I sincerely hope that the friends and supporters of the treaty will vote against the Lodge resolution of ratification.

I understand that the door will probably then be open for a genuine resolution of ratification.

I trust that all true friends of the treaty will refuse to support the Lodge resolution.

Cordially and sincerely, yours,

(Signed)

WOODROW WILSON.

Hon. G. M. HITCHCOCK,
United States Senate.

Mr. LODGE. Mr. President, I think comment is superfluous, and I shall make none.

Mr. THOMAS. Mr. President, the conclusion which I have reached regarding the pending resolution was reached long before I was made acquainted with the contents of the letter which has just been read to the Senate.

I shall vote against the ratification of the treaty. The reasons which animate me to that end I have so frequently stated upon the floor of the Senate that it is not necessary for me to say more at this time.

Mr. ROBINSON. Mr. President, for reasons very different from those asserted by the Senator from Pennsylvania [Mr. KNOX], it is my purpose to vote against the pending resolution of ratification incorporating reservations adopted by a majority of Senators.

During several months, to the exclusion of nearly all other important business, the Senate has had under consideration the treaty of peace with Germany. It now seems probable, unless the advocates of unqualified ratification and so-called reservation Senators reconcile differences, that the result of our labors may be failure. The Senate is about to vote on an alleged resolution of ratification, a resolution which, it seems to me, does not ratify, but which in fact and in legal effect, constitutes a rejection of this treaty.

All Senators recognize the importance of the vote soon to be taken. This vote invites the judgment of the people of this country, and, indeed, the judgment of all mankind, upon the policy implied in the resolution of ratification incorporating reservations agreed to by the majority.

Many of us are convinced that the adoption of the pending resolution, as I have already stated, will accomplish no useful purpose. The Senator from Massachusetts [Mr. LODGE] has

had read into the Record a letter issued by the President, in which that officer, representing a part of the treaty-making power, declares that the pending resolution of ratification can not accomplish ratification; that it is in fact rejection of the treaty; and therefore it is futile to adopt the resolution.

The statement that the resolution of ratification will in fact defeat the treaty will occasion no regret to the Senators who from the beginning have advocated its rejection. They have apparently succeeded, temporarily at least, in accomplishing indirectly what could not be done openly and frankly. Through alleged reservations, which will not likely be accepted by other parties to the treaty, they seek to exclude the United States from fellowship with her late allies and from membership in the league of nations. In almost every line of the reservations is implied antagonism of Senators toward the President. Suspicion and mistrust of the nations associated with this Government in the recent war are reflected by the reservations, sometimes poorly concealed, often clearly evinced.

The avowed purpose is to completely repudiate every obligation of this Government to encourage and sustain the new and feeble States separated, by our assistance during the war, from their former sovereignties by withholding from them the moral and military power of the United States.

To me it seems regrettable beyond expression that Senators who desire to improve the treaty and who desire also that it shall become effective should lend their assistance to a course in which the avowed enemies of the league of nations must find unbounded gratification and pleasure. Is it not unpardonable for friends of the treaty to couple with the resolution of ratification conditions designed to deprive the Executive of his constitutional functions? It is worse than idle—it seems to me hypocritical—to impose terms and conditions which make the exchange of ratifications impracticable, if not impossible.

Membership in the league of nations is treated, in the reservations, with so little dignity and as of such slight importance as to authorize its termination by the passage of a mere concurrent resolution of Congress. This attempt to deny to the President participation in withdrawal by this Government from the league and to vest that authority solely in the two Houses of Congress in disregard of the plain provision of the Constitution displays a spirit of narrow opposition to the Executive unworthy of the subject and unworthy of the Senate of the United States.

The requirement that before ratification by the United States shall become effective the reservations adopted by the Senate must be approved by three of the four principal allied powers is designed to make difficult the exchange of ratifications. Mr. President, it can have no other purpose; it can accomplish no other end.

The reservation respecting article 10 nullifies the most vital provision in the league of nations contract. It absolves the United States from any obligation to assist in enforcing the terms of peace, an obligation that the leader of the majority, in his speech to this body on the 23d day of August, 1918, and again in December of the same year, asserted as one which the United States can not without dishonor avoid or escape.

No Senator can doubt that the repudiation by the United States of the undertaking in article 10 to respect and preserve the territorial integrity and political independence of the other members of the league weakens, if it does not destroy, one of the principal agencies or means provided by the league for the prevention of international war.

The reservation withholding the agreement of the United States to the arrangement in the treaty respecting Japanese rights in Shantung, and reserving for this Government freedom of action in case of controversy between China and Japan regarding the subject, admittedly will not be accepted by Japan, and probably it will not be accepted by either France or Great Britain. In making this declaration, I repeat the statement made in the Senate a day or two ago by the Senator from North Dakota [Mr. McCUMBER], and I make the inquiry how any friend of the treaty who wants it ratified, and who realizes that under these reservations our ratification can not become effective unless it is approved by three of the four principal allied powers—I make the inquiry now how a Senator who takes that view of the subject and wants the treaty ratified can support the pending resolution?

It may be, Mr. President, that the friends of this treaty have made a mistake. Undoubtedly the friends of the treaty, and not its enemies, should dictate the policy of the Senate concerning ratification. The Senators who have opposed ratification from the beginning have imposed upon an overwhelming majority of the Senate, by their power and influence, their views respecting the resolution of ratification.

As the measure now comes before the Senate it comes with the open declaration of the Executive, who is the sole agency through whom this Government may exchange ratifications, that that act will not be accomplished. It comes with the recognition of the fact by the Senators who favor the treaty that the reservations are of such a nature that they will not be accepted by other nations.

Make no mistake about it. The Senate should either ratify this treaty unqualifiedly or upon such terms and conditions as will justify the Executive and enable him speedily to conclude peace by an exchange of ratifications.

The resolution of the Senator from Massachusetts incorporating the reservations as agreed upon will probably result in the refusal of the Executive to attempt to procure the consent and approval of three of the four principal allied powers. If he should make the attempt, it is plain that our self-respecting allies will not accept the terms and conditions which we seek to impose by these reservations. Why, then, Mr. President, should the resolution proposed by the Senator from Massachusetts be agreed to? Every Senator knows that it can not effectuate peace. The Senator from Massachusetts himself on last Sunday issued a statement to the press in which he declared that "The treaty is dead."

I call now upon the friends of the treaty to take charge of the corpse. By their action they can revitalize it. The enemies of the treaty, Senators who do not favor its ratification, have controlled the proceedings of the Senate heretofore. It is time now that those of us who favor the treaty, and we have the necessary number, should get together and ratify it.

Mr. SHERMAN. Mr. President, I turn for solace and for guidance to Holy Writ and quote from the Book of Job:

Shall not the multitude of words be answered? And shall a man full of talk be justified?

I felicitate myself on this occasion, Mr. President, as, for the first time since the armistice was signed, finding myself in accord and voting with the administration. [Laughter in the galleries.]

The VICE PRESIDENT. It may just as well be understood now as at any time that occupants of the galleries must keep order or the doorkeepers will remove the offending visitors.

Mr. SHERMAN. I, too, shall vote against the treaty and the reservations attached to the resolution, much as I regret to part company with some of my beloved associates on both sides of this Chamber.

The future of this measure is shrouded in uncertainty. Perchance it sleepeth only and waits for our all-wise Executive to rouse it from its torpor and again threaten us with its pristine beauty and excellence. It may be pleasingly arrayed in alliterative phrase and sonorous periods cunningly placed to obscure the selfish, boiling hell of the original text. Every ambush to the military man who is caught thereby looks mild until it starts into action. Beware of future reservations that do not reserve. It is impossible to divine the inopportune time when this alien skeleton in the Executive closet will again be dangled in this Chamber. In more pious days our forbears spoke of coming human events to occur at early candlelight if Providence permitted. Henceforth matters of great pith and moment will wait at any time on the nerve centers and digestive apparatus of statesmen, Providence omitted. The cloture which we have applied for the first time will stick closer than a brother when that hour strikes. Nothing but a reversed majority in this Chamber can relax its strangle hold upon this body.

Few officials handle public business with the economy and vigilance used in private life. That few who do seldom survive long on elective tickets. The dear people themselves are the cause and the same people pay the dear price, such of them as pay anything. I know some philanthropists and very zealous charity workers who industriously, with much loud advertising of their manifold virtues, relieve the poor at somebody else's expense. Such good Samaritans are ever ready to experiment and exploit another's pocketbook.

Some Senators say this measure is a promising experiment and may do some good. Distance lends enchantment to the far-away view, as usual, tinged in the haze of general abstractions. Not one of them would try such an experiment on his own person or private fortune. If, happily, the reservations adopted prove the death of the treaty, let this be my funeral oration over the defunct remains. I shall not, on this measure, again be heard. I make that announcement to relieve a suffering Senate and sorely oppressed public. It is the only time when I have failed to speak well of the departed. To do otherwise would rise to a height of dissimulation which I can not attempt.

This league and treaty, whether reserved or otherwise, are a charter of an international homicide club. Reservations do not relieve us of the usual responsibility of charter members. It converts Europe into a legalized cockpit, and the three continents of the Eastern Hemisphere into philanthropic shambles covering the selfishness of ancient nations with the cloak of altruism.

The sea is not made free. It is open under this league only to the strongest navy, and its only law is that reaching from Salamis to Scapa Flow. The rule is still one of superior force in the midst of empty Executive essays and the learned lying jargon of Old World diplomacy.

This instrument we are asked to ratify is grasping and heartless, godless and defiant of human rights and national independence. It contains no maxims of justice. It writes no code of laws for nations. It advances no remedy. It only declares its omnipotence and vests power. It undertakes to place that supreme power in the hands of the few without restraint or limitation save as imposed by the god of battles. It reverts to barbaric force and survives, if at all, upon the sword. Professing to announce the modern evangel of civilized nations, it turns to the practices of the warriors and conquerors of every age to justify its treacherous creed. It is built upon force and can not last unless by the wars it mendaciously claims it will end. Power, remorseless, cruel, and cold as the muzzle of the British cannon with which it girds the world, inspires its articles and broods like an evil spirit over this malign thing.

Universal peace is graven above its portals and perpetual war abides beneath its alien dome. If it shall endure, it consecrates its iniquity beneath the changeless sway of its assumed, comprehensive, all-embracing knowledge of its founders. If they know as much as their handiwork imports, their like has not heretofore appeared on earth and no man born of woman is fit to succeed them. "No doubt but ye are the people, and wisdom shall die with you." After them the deluge, for what aspiring mortal shall be worthy! Their work is presented to us as the collected, sublimated wisdom of mankind. To amend it the Senate has decided is hazardous, if not a profanation. To attach reservations to the ratifying act is blasphemy to the deserted minority remnant who mourn the mild reservationists' fall from ineffable grace. Hope springs eternal in their devoted breasts, for the President vows he will not return to Europe with the Americanized document. An Executive pigeonhole will bury it forever unless a new and more European set of reservations are substituted. The faithful look longingly and reproachfully, if not lovingly, at Republicans who browse on the borderland between the affairs of our own and other countries. When the Executive displeasure shall have been sufficiently manifested it is hoped a milder set of reservations may be devised, denatured of the Americanism which may find favor with some of their former well-wishers on this side of the Chamber.

If a diluted set of reservations appear and are held in order, sealed with the Executive stamp, they will face a dumb and voiceless Senate, for it has clutched itself into speechless silence, punctuated only with roll calls. Whatever the effect of the mild reservations hereafter appearing in this Chamber, discussion is gagged and no means remain here to reach the public opinion that has approved, if not caused, these adopted reservations. More than the necessary two-thirds of the Senators have taken the oath of total forensic abstinence. The pledge binds not alone on these reservations but all future ones proposed with every move hereafter taken or submitted on the league and treaty.

The Senate is a continuing body. Not like the House of Representatives do its Members pass through the alembic of a ballot box every two years, but two-thirds of its membership hold continuously from one Congress to another. The Senate under cloture sits a chamber of silence and a sepulcher of parliamentary debate.

As originally presented, unvexed by reservations, preserving, it is claimed, American sovereignty and independence, this document is declared to be all sufficient for the future, reaching to remote ages and anticipating conditions unknown to human ken. It is supposed to be adequate for generations unborn, for it proposes to shackle them with the unbreakable manacles of its perpetual covenants. Its dominant spirits are self-appointed guardians of the world's geography and the nations thereof. The league's articles forge mighty instruments out of erring mortal men. They are set upon thrones of illimitable world sovereignty. Their jurisdiction covers all human affairs and their powers are entirely adequate for the duties conferred.

Nothing is sacred from their meddling, intrusive hand. No barrier will stay their invasion. The threshold of no man's house is safe from their spies and agents. There is no privacy they regard; no human right they are bound to respect. There

is no law they may not violate, and no privilege of citizen or subject they may not revoke or outrage. Constitutions and charters dissolve at their arbitrary touch, and a nation's statutes are silent before their edicts.

No king ever wore the crown of such sovereignty or stretched his scepter over such universal or absolute dominion. Nations become their pawns, officials of republics and monarchies alike become their vassals. They create States, survey their boundaries, examine their resources for future seizure or levy, chart and direct their access to the sea whose maritime laws wait on the breath of their unbounded power. They denote forms of government. They put up and pull down rulers. Whole peoples are cast headlong into eternal association with their inveterate and hereditary enemies. Decrees are issued that shame the rescripts of Caesar. Even now the oligarchy assumes the look and stature of absolutism that dwarf the Corsican at the zenith of his imperial sway. It gathers the chosen nations beneath its shelter and exiles others to the limbo of its displeasure. Inevitably it must and does assemble the world's powers into two great groups. It is not in man or in human nature peaceably to endure such transcendent authority. Antagonism is invited. The league's very assumptions will rally every nation with a vestige of patriotism beneath the flag that typifies opposition. It prepares the way and inspires the spirit of armed collision.

It can not be an agency of peace when it assembles all the causes that have moved sovereign nations to war ever since history has taught how little mankind's primeval passions have changed in centuries. Human credulity is challenged by this collection of alien self-interests offered us as the fountainhead of eternal peace. It is the potent, insidious sneak thief of Europe disguised in the cloak of international philanthropy. In Asia, where one of the principal allied powers spent the whole period of the war in garnering the commerce of the distressed nations of the world and storing the gold and means with which to expand itself by force the league is the ambush to delay and deceive us. This measure is even now pillaging American resources, binding our young men on the bloody altars of Europe's quarrels, and riveting on us the government of a foreign capital.

The territory it has seized, the ports it has taken, the conqueror's terms imposed, the empires dismembered, the rancorous feuds created, coupled with the insane meddling of our country at every danger point in Europe's thousand years of jealous struggle, the imbecile interference in Asiatic controversy have made this oligarchy, if we enter it even with reservations, a source of eternal woe. If we vote it upon our people, it will reach out its mighty hand to smite the millions who come after us to their undoing and ceaseless affliction.

Even now, Mr. President, the great tax powers of nations are sought by this power-grasping oligarchy. The men dimly visible behind the vast authority of the league's council are moving steadily toward their goal. How little of this towering fabric of supermen is known to the victimized people whose blood and toll will pay the price of this merciless coterie. Against the lack of the multitude's knowledge is pitted the precise, definite purpose of Europe to drag the United States, its resources, and its potential military power into the den of the Old World's endless intrigues and future wars. Hasten the day of universal military training, for a prepared militant America girt for action and inspired by a rebirth of national spirit to burst the fetters bound upon this Republic is the only avenue of our safety. Only another American revolution will break the dominion of alien power once it settles on us.

The first step in this stupendous usurpation is to internationalize the war debt. This accomplished, the ceaseless vigilance of the world's creditors is the lever acting on the fulcrum of a great funded debt. Such a power makes the league's council the receiver general of all terrestrial finances. It administers and audits the fiscal affairs of nations and sits perpetually at the receipt of customs of every people.

An international banker is a man without a country. His allegiance is to government accounts and the blood of his patriotism circulates responsively to the world's balance of gold in his vaults. I denounce him and his alien breed. I shall join issue between him and the American people; and if it be called talking to the galleries, so let it be. We will see who votes—the galleries or the international bankers—in this country. Let those who vote to subject our country to their mercenary creed reckon with an aroused indignant country's wrath at their betrayal of our blood for gold.

Usurped power once enthroned is never still. It constantly advances to further usurpations until it reaches the summit of absolutism and degrades and destroys the sovereign authority of independent States. The tremendous powers of taxation by steady attrition of usurping executives, the aggressions of internationalized union labor, and foreign economic forces will break

down the resisting power of Congress, the weakest branch of Federal Government. Union labor leaders are committed to the program. Congress, too, is beginning to show its usual vacillation and to waver under fire. Many of its Members think more of succeeding themselves than they do of performing their duties. Unless the American people shall transfuse into the Congress a new spirit through an electoral convulsion their sovereignty will pass to the potent and ancient arm of the Eastern Hemisphere. Do not underrate the international banker and the labor leaders now joined in a common enterprise.

But will not American diplomacy defend? The American is an infant in world diplomacy. No training in that involved school of selfish intrigue and international perjury is given our ambassadors. We are the sport of dissembled selfishness and the derision of the veteran plunderers of the world's treasury and territory. The spirit of Talleyrand and Metternich still speaks in Europe through the lips of adroit and worthy successors. Against them the American delegates to the peace conference were a quintet of as promising greenhorns as ever fell into the hands of men of genius.

Vain indeed were the President's Spartan band of thirteen hundred retainers, with their provincial wisdom, marshaled by the distinguished Col. House. They went down ingloriously in the first encounter with the veteran diplomats of Europe and Asia. The doughty Col. House ought to be satisfied now. He died with his diplomatic boots on and his indomitable and inscrutable face to the foe. He wished it so in his latest biography extant. Our delegation in "gay Paree" lost their characters and our money, but escaped with their lives and a belated copy of the league of nations. This souvenir of their sojourn abroad bristles with the selfish philosophy of Abe Potash, sharpened with the cruel avarice of Shylock, and interwoven with the crude commercialism of David Harum. Under it we would be done first, without a chance to do anybody or anything in return.

Comedy treads on the heels of tragedy. Mirth and tears follow each other over every face, etched by sorrow's compelling hand. The cap and bells ever peep from unexpected nooks near the scaffold and the headman. Laughter waits on the soberest occasion, and lurks beside the Aesop and the Solomon. In the heretofore unostentatious annals of our country nothing ever approached the departure of our peace commission last December. It was preceded by several years of brave array of notes and messages, resting on a broad foundation of universal advice, crowned by the 14 points, which were again fatally injured on yesterday. I did not mean to insult the minority by voting with them on that occasion, but I was only mindful of historic conditions and sought, once in my life, to be consistent.

Our five delegates, nominal in number, reduced in the ultimate analysis to one, sailed from our shores, "sonorous metal blowing martial sounds," and the plaudits of the multitude gladdening their ears. Europe made holiday when it or he arrived. Some of it was lodged in the palaces of kings and nobles. Likewise there was dining from golden platters. Repose was taken where statues, rare tapestries, and the canvas of ancient masters soothed the weary to their slumbers. Swarms of lackeys and many lords of the bedchamber encompassed about the head of the delegation, and adulation sat upon his doorstep. It bore abundant fruit. His hosts received the plenteous spoils of war in the treaty and we were vouchsafed the league of nations. And, now, in the eighth month of the second hegira, the league, like Hamlet's uncle, is become a king of shreds and patches—so much so that those who have stood sponsors for it and who have fought long and well and prayed with the zeal that comes to them who harken to the call of the muezzin to prayer are no longer able, with the reservations and the letter from the head of the delegation, to give it further their support. Hence, the time adverted to, when I joined with them. Our motives would not bear analysis, but our votes will be alike.

The faithful, indeed, swear by the beard of the prophet that they will have none of it. The cavalcade, with its stately band of retainers, its squandered millions, its lofty structure, ambitious as the Tower of Babel, is even now toppling to its fall. All is vanity and vexatious of spirit. Out of it the American will emerge purified and strengthened, resolved anew that institutional government and the Republic shall endure.

Only posterity can determine whether the world-heralded peace pilgrimage ranks with Ford's cruise of *Oscar II* or the Retreat of the Ten Thousand. Its portrayal at present can not be definitely assigned. I am unable to decide whether it requires a humorist or a historian, a Mark Twain or a Xenophon. I am disposed to allot the task to the future humorist, if justice is to be done to the entire unhappy affair.

Mr. EDGE. Mr. President, the reading of the letter from His Excellency the President of the United States a short time ago and its insertion in the *Record*, particularly in view of the paragraph which inferred that, following a possible negative vote on the resolution of ratification now before the Senate, there would be a further opportunity to prepare and pass a resolution of ratification which met the approval of the President, leads me to make a very brief statement.

So far as I am concerned, I feel that the time for any material changes in the resolution of ratification or in the various reservations that have been perfected and adopted by a majority vote of the Senate has passed. We have been considering for weeks and months various suggestions for reservations through which our country could be properly protected in this great and to an extent experimental proposition before us. On this side of the Chamber, as is well known, we have probably had every viewpoint; those who are unquestionably and conscientiously opposed to the whole plan of the league and have consistently voted that way; others who just as conscientiously believed there was a possibility of preventing war in the future by a combination of nations, resulting in an interchange of viewpoints, and, at least, by retaining in the covenant that to me very important section which provides that no member nation in case of a dispute or disagreement shall declare war until three months have passed.

As is well known, we have met and discussed various suggested reservations; as is well known, changes have been made and compromises have been made; these are days of compromises; and when the extreme viewpoints that had been developed on both sides of the Chamber were thoroughly understood, it appealed to me then that the duty of a strong man was to give and take; not to compromise with wrong, but to endeavor to reach a common agreement whereby the best results could be attained and the league authorized. It is time for sincere friends of the league on the other side of the Chamber to rally to its support. Personally I have no fear of our allies refusing to acquiesce in our reservations if they are presented to them. We do not attempt by reservations to dictate to them. We only protect our own destiny and no way deny them a similar privilege, and if they made such reservations the league would function just the same without giving up individually sovereignty and independence.

Again, may I say with a conviction—which is very positive, so far as I am personally concerned—the time for further compromise has passed. I might sum it up in one sentence—and it is not said unkindly or bluntly—but here is the treaty with a resolution of ratification, perfected after weeks of consideration, of compromise, of change, and of an attempt to meet diverse viewpoints; here it is; take it or leave it alone.

Mr. LENROOT. Mr. President, in the letter of the President, which the Senator from Nebraska [Mr. HITCHCOCK] had read to the Democratic conference this morning and which was read in the Senate this afternoon, the President, speaking of the pending resolution, used this language:

In my opinion the resolution in that form does not provide for ratification, but rather for the nullification of the treaty.

Mr. President, the time has gone by when general statements like that, having no foundation in fact, can be longer made and the American people be deceived thereby. That statement ought not to go unchallenged before the vote is taken, and I propose to take a few minutes of the Senate's time in examining what is left of the league-of-nations covenant and of the treaty if the treaty be ratified with the reservations attached.

Beginning with the league covenant, we read articles 1, 2, 3, 4, 5, 6, and 7. The reservations do not affect any of those seven articles except in two particulars—one with reference to the right of withdrawal of the United States from the league, and the reservation that has been adopted in that respect is in exact accord with the interpretation given to the treaty by the Senator from Virginia [Mr. SWANSON] and many other Senators upon the other side.

The other reservation affecting these articles is that with respect to equality of voting, which was adopted last night. If Senators upon the other side desire to take the position that protection of the United States from the 6 votes of the British Empire to our 1 vote nullifies the treaty, very well; let them take it; we will let the American people decide.

Coming to article 8, the only effect the reservation has upon that article is that, if at any time the United States should adopt a plan for disarmament, whenever the United States is engaged in war or is threatened with invasion it may have the right to increase its armament without the consent of the council or the league. Are any of the Senators who propose to defeat this treaty to-day because of the reservations opposed

to that? Do any Senators upon the other side of the aisle desire to put the United States in a position where, if it is engaged in war, it can not increase its armament to defend itself without the consent of other powers?

We next come to article 9, which the reservations do not affect in the slightest degree. The next article is article 10. That has been discussed so often, and the question involved is so clear to every Senator, that I am not going to take time upon it now, except to say that the real issue between us is not whether there shall be a league of nations, but the real issue is whether the President of the United States and the Senate of the United States shall to-day enter into an obligation that will compel our boys for all time to fight in every war that may occur in every quarter of the globe without their consent or the consent—the free consent—of the representatives whom they have chosen in the House of Representatives and in the Senate.

We are unwilling to enter into such an obligation; and I would resign my seat in the Senate, Mr. President, before I would vote to ratify this treaty with the obligation imposed by article 10 as the President of the United States asks us to accept it.

Article 11 is the next article of the league covenant. The reservations do not affect in the slightest degree that article, which, to my mind, is one of the most, if not the most, important article in the league covenant, because under that article we as a member of the league agree that we will meet and discuss in the council or the assembly matters affecting the peace of the world, but without any authority to bind or obligate anyone. Mr. President, as to the value and importance of that article, which, I repeat, is not affected by the reservations, let me quote what President Wilson said on the 4th day of September last:

Therefore, I want to call your attention, if you will turn to it when you go home, to article 11, following article 10, of the covenant of the league of nations. That article, let me say, is the favorite article in the treaty, so far as I am concerned.

Then he proceeds to detail the very great benefits to be derived by the world because of the presence of that article in the treaty. As I have said, the reservations leave article 11 absolutely intact.

The next articles in the treaty are 12, 13, 14, 15, and 16—and they are all grouped together—relating to arbitration, compulsory inquiry concerning disputes, the agreement not to go to war within nine months after the submission of a dispute, and economic boycotts for violation of any of the provisions of article 12 or 13. Those articles, Mr. President, together with article 11, well warrant the United States in entering into the league of nations, and with those articles adopted the greatest effort will have been made toward the prevention of war that has ever been attempted by any concert of nations. The articles to which I have just referred are not affected in the slightest degree by the reservations that are pending except in two particulars—one that domestic questions are not by the ratification of the treaty submitted to the league. Are you upon the other side of the aisle opposed to that? Do you object to the reservation because we refuse to agree to those articles unless we save to ourselves the right to determine our own domestic questions?

The only other provision in the reservations that affects any of the articles of the covenant is the one relating to article 16, which permits us to trade despite the economic boycott with nationals of other nations residing within our own country or in neutral countries. Otherwise, Mr. President, these reservations leave all of the arbitration and inquiry articles absolutely intact. What was the President's view a short time ago of the importance of these articles which the reservations do not touch in any material particular? He said in his speech at Indianapolis on September 4 last:

The great bulk of the provisions of that covenant—

Speaking of the covenant of the league of nations—

contain these engagements and promises on the part of the States which undertake to become members of it: That in no circumstances will they go to war without first having done one or the other of two things—without first either having submitted the question to arbitration, in which case they agree to abide by the result, or having submitted the questions to discussion by the council of the league of nations, in which case they will allow six months for the discussion and engage not to go to war until three months after the council has announced its opinion upon the subject under dispute. The heart of the covenant of the league is that the nations solemnly covenant not to go to war for nine months after a controversy becomes acute.

That obligation, Mr. President, remains intact in the treaty if it is ratified with these reservations; the reservations do not affect it in the slightest degree. So when you vote to reject this treaty, as you propose to do, you vote to reject a treaty the very heart of which, as the President says, is unaffected in the slightest degree by any of the reservations.

We go on.

Article 17 is not affected by the reservations nor are articles 18, 19, 20, or 21.

Article 22 is affected only by the reservation that no mandate shall be accepted by the United States without the consent of Congress. In voting to reject this treaty this afternoon do you Senators upon the other side take the position that you are against the treaty because you want the President of the United States to accept a mandate for Armenia, a mandate for Turkey, or a mandate for any other country across the seas, without the consent of Congress?

The next article is 23. That is not affected in any degree, except that in the reservation concerning domestic questions we reserve questions concerning labor that are not submitted to the league.

Articles 24, 25, and 26 are not affected in the slightest degree by these reservations.

I have now very hastily gone over what will be left of the covenant if the treaty shall be ratified with these reservations. The heart of it, so denominated by President Wilson, will be left. The beneficial articles, in so far as settling disputes is concerned, will be left intact. What is it that will be taken away? Obligations only, Mr. President; obligations that are imposed by this covenant and relieved from by these reservations that no American citizen, whether in public office or in private life, ought to be willing for a moment to have imposed upon the United States.

Now, let me just for a moment go through these reservations.

The first one, as I have said, relates to withdrawal, and the point is made that it is very objectionable because it provides for withdrawal by concurrent resolution of the Congress of the United States. Do you, sirs, upon the other side of the aisle, take the position in objecting to that provision that although the American people may desire to withdraw from the league and may have elected a Congress in the House and in the Senate pledged to the withdrawal of the United States from the league, nevertheless you wish to frustrate the will of the people of the land by making it subject to a veto of the President? That is the position. Take it if you want to. The American people will never indorse you.

The next reservation relates to article 10, whereby we do relieve ourselves of entering into every quarrel in every quarter of the globe, whereby we relieve ourselves of the obligation to send our boys across the seas to fight—fight, Mr. President, under this obligation just as quickly upon the side of tyranny and of oppression as upon the side of liberty, because under article 10 we will not be permitted to inquire into the justice of the cause in which we are called upon to fight.

Reservation 3 relates to mandates. I discussed that a moment ago.

Reservation 4 relates to domestic questions. Do you take the position that you object to this reservation because you want this league of nations to decide our domestic questions for us? If you do, very well; vote to reject the treaty this afternoon.

Reservation 5 relates to the Monroe doctrine, and the same comment can and should be made with reference to that.

Reservation 6 is the reservation with reference to Shantung. Under this reservation we refuse to assent to the robbery of China by Japan. We say we will have none of it, and we reserve to ourselves full liberty of action with reference to it. You, in voting to reject the treaty this afternoon, will go on record as wishing to condone—not only condone, Mr. President, but participate in—that robbery by your assent to the provisions of the treaty as they stand.

The next reservation is with relation to the appointment of representatives upon these commissions and representatives in the council. That reservation only carries out what the Senator from Nebraska, the leader of the minority, said in a speech here less than a week ago would be done by Congress in every case before appointments would be made. So that that reservation certainly can not be an objectionable one.

The eighth reservation is the one relating to the reparations commission, to which, of course, they do not and can not object.

The same is true of reservation 9. Reservation 10 is the one with reference to limitation of armaments. When you vote to reject the treaty, if you place your opposition upon the ground of reservation 10, you say, as I said a moment ago, that you want the United States to be bound that she will not be able to increase her armaments even though attacked by another nation and engaged in war; but before we can defend ourselves we must go to the council of the league and say, "Please, please, council, can we increase our armaments to defend ourselves?"

The eleventh reservation certainly they can not object to, because it merely declares the existing international law with relation to the duties and rights and obligations of belligerent States.

Reservation 12 is a comparatively minor matter, with relation to the rights of citizens under the alien-enemy act, and, of course, they can not object to that.

Reservation 13 is the one proposed by the Senator from North Dakota [Mr. McCUMBER], and withholds assent to the labor provisions of Part XIII of the treaty, but leaves Congress free to accept them in the future if they desire to do so. Do you Senators upon the other side desire to go upon record that under existing conditions and circumstances you desire now to agree to all of the obligations imposed by Part XIII? Is it not, from the standpoint of Americanism, of statesmanship, of common sense, better to wait and find out what kind of a conference this is going to be, whether it is going to be a conference of labor delegates that will conserve real democratic government, or whether it is going to be a conference that is a first aid to Bolshevism and anarchy? Had we not better find out before we enter into that kind of a combination?

The last reservation is the one with reference to equality of voting, whereby the United States declines to assume any obligation to be bound by any action of the council or assembly where any member having self-governing dominions or colonies has in the aggregate cast more than one vote, or, where the United States and that power are parties to the dispute, where they shall have voted at all. Are you willing, sirs, to go to the American people upon the proposition that you want the British Empire to have six votes and the United States one, and permit the British Empire in binding the United States to cast six votes where we can cast only one vote to bind the British Empire?

Mr. President, those are the reservations that the President says nullify this treaty. Those are the reservations because of which, it is announced this afternoon by the Democratic leader, they propose to reject the treaty. What are these reservations, Mr. President? These reservations do nothing more nor less than to Americanize this treaty so far as it affects us. These reservations do nothing more nor less than to preserve the liberty and the independence of the United States of America.

I shall be very sorry, indeed, if this issue must get into a political campaign. It ought not to. There ought not to be any partisan considerations whatever in a matter of this character; but, if need be, Mr. President, that the Republican Party must again assume the obligation to stand for Americanism, and the Democratic Party chooses to stand upon this treaty and defend it because we have Americanized it, we will welcome the issue.

Mr. President, this treaty has not been read generally by the people of this country; but I say to you that every one of these 14 reservations will be read in every home in this land, and when they are read and when they are understood they will approve of this resolution exactly as it is proposed to-day.

APPENDIX. Resolution.

Resolved (two-thirds of the Senators present concurring therein). That the Senate advise and consent to the ratification of the treaty of peace with Germany concluded at Versailles on the 28th day of June, 1919, subject to the following reservations and understandings, which are hereby made a part and condition of this resolution of ratification, which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted by an exchange of notes as a part and a condition of this resolution of ratification by at least three of the four principal allied and associated powers, to wit, Great Britain, France, Italy, and Japan:

1. The United States so understands and construes article 1 that in case of notice of withdrawal from the league of nations, as provided in said article, the United States shall be the sole judge as to whether all its international obligations and all its obligations under the said covenant have been fulfilled, and notice of withdrawal by the United States may be given by a concurrent resolution of the Congress of the United States.

2. The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether members of the league or not—under the provisions of article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide.

3. No mandate shall be accepted by the United States under article 22, Part I, or any other provision of the treaty of peace with Germany, except by action of the Congress of the United States.

4. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the league of nations, or any agency thereof, or to the decision or recommendation of any other power.

5. The United States will not submit to arbitration or to inquiry by the assembly or by the council of the league of nations, provided for in said treaty of peace, any questions which in the judgment of the United States depend upon or relate to its long-established policy, com-

monly known as the Monroe doctrine; said doctrine is to be interpreted by the United States alone and is hereby declared to be wholly outside the jurisdiction of said league of nations and entirely unaffected by any provision contained in the said treaty of peace with Germany.

6. The United States withholds its assent to articles 150, 157, and 158, and reserves full liberty of action with respect to any controversy which may arise under said articles between the Republic of China and the Empire of Japan.

7. The Congress of the United States will provide by law for the appointment of the representatives of the United States in the assembly and the council of the league of nations, and may in its discretion provide for the participation of the United States in any commission, committee, tribunal, court, council, or conference, or in the selection of any members thereof and for the appointment of members of said commissions, committees, tribunals, courts, councils, or conferences, or any other representatives under the treaty of peace, or in carrying out its provisions, and until such participation and appointment have been so provided for and the powers and duties of such representatives have been defined by law, no person shall represent the United States under either said league of nations or the treaty of peace with Germany or be authorized to perform any act for or on behalf of the United States thereunder, and no citizen of the United States shall be selected or appointed as a member of said commissions, committees, tribunals, courts, councils, or conferences except with the approval of the Senate of the United States.

8. The United States understands that the reparation commission will regulate or interfere with exports from the United States to Germany, or from Germany to the United States, only when the United States by act or joint resolution of Congress approves such regulation or interference.

9. The United States shall not be obligated to contribute to any expenses of the league of nations, or of the secretariat, or of any commission, or committee, or conference, or other agency, organized under the league of nations or under the treaty or for the purpose of carrying out the treaty provisions, unless and until an appropriation of funds available for such expenses shall have been made by the Congress of the United States.

10. If the United States shall at any time adopt any plan for the limitation of armaments proposed by the council of the league of nations under the provisions of article 8, it reserves the right to increase such armaments without the consent of the council whenever the United States is threatened with invasion or engaged in war.

11. The United States reserves the right to permit, in its discretion, the nationals of a covenant-breaking State, as defined in article 16 of the covenant of the league of nations, residing within the United States or in countries other than that violating said article 16, to continue their commercial, financial, and personal relations with the nationals of the United States.

12. Nothing in articles 296, 297, or in any of the annexes thereto or in any other article, section, or annex of the treaty of peace with Germany shall, as against citizens of the United States, be taken to mean any confirmation, ratification, or approval of any act otherwise illegal or in contravention of the rights of citizens of the United States.

13. The United States withholds its assent to Part XIII (articles 387 to 427, inclusive) unless Congress by act or joint resolution shall hereafter make provision for representation in the organization established by said Part XIII, and in such event the participation of the United States will be governed and conditioned by the provisions of such act or joint resolution.

14. The United States assumes no obligation to be bound by any election, decision, report, or finding of the council or assembly in which any member of the league and its self-governing dominions, colonies, or parts of empire, in the aggregate have cast more than one vote, and assumes no obligation to be bound by any decision, report, or finding of the council or assembly arising out of any dispute between the United States and any member of the league if such member, or any self-governing dominion, colony, empire, or part of empire united with it politically has voted.

Mr. BRANDEGEE obtained the floor.

Mr. McNARY. Mr. President—

Mr. BRANDEGEE. Does the Senator desire me to yield to him?

Mr. McNARY. For just a moment.

Mr. BRANDEGEE. I yield.

Mr. McNARY. Following the very forceful and able remarks of the Senator from Wisconsin [Mr. LENROOT], I think it is appropriate that a statement issued by the Washington Bureau of the League to Enforce Peace be read at this time, and for that purpose I submit it.

Mr. BRANDEGEE. Does the Senator want the paper read?

Mr. McNARY. If you please; yes.

Mr. BRANDEGEE. I yield for that purpose. I shall wait only 5 or 10 minutes, and I have an hour, so I yield gracefully.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary proceeded to read the paper.

Mr. REED. Mr. President, in whose time is the paper being read?

Mr. BRANDEGEE. Mine.

Mr. REED. Very well.

Mr. McNARY. I do not ask that it be read in the time of the Senator. I should like to have it read in my time.

Mr. BRANDEGEE. The Senator can arrange it to suit himself.

The Secretary resumed and concluded the reading of the paper, as follows:

[From Washington Bureau, League to Enforce Peace.]

WASHINGTON, November 18.

The Washington Bureau of the League to Enforce Peace issued the following statement to-day:

The League to Enforce Peace, through the action of its executive committee, urged that the reservation to the treaty

introduced by Senator REED, known as reservation 15, be defeated as nullifying the treaty. This reservation has been defeated. The Senate voted it down 56 to 36. Those remaining have their objections, and some are harmful; yet they leave a covenant which will create an efficient league equal to the task of preserving the peace of the world. A league of nations which will enforce and make more secure the peace of the world is the object for which "the League to Enforce Peace" was organized, for which it has labored through four and one-half years, and for which alone it exists. The treaty, even with the reservations now adopted, can accomplish this purpose and should be ratified. There is no adequate reason why it should not be. The world waits. Delay is perilous. Any action which casts the covenant for a league of nations for peace into the partisan politics of a presidential election will delay peace and halt political reorganization and economic rehabilitation of nations sorely smitten by war, by winter, and by famine.

The League to Enforce Peace, speaking for the great multitude which has labored for this supreme end, sensible of its responsibility, calls for the immediate ratification of the treaty, even with its reservations, but it is most important that the preamble be changed by removing the necessity for positive action on the reservations by nations definitely named and contenting ourselves by acceptance in the ordinary way by silent acquiescence within a time limited.

Failure to ratify the treaty now would defeat the world's hopes for peace now and always. Such a failure would throw the world back into worse than prewar conditions by reestablishing a balance or hostile grouping of powers with an increasing burden of armaments. If the league be once established and permitted to function with our country as a member the foundations of a new world order would continue to grow in beneficent stability, securing for all nations great and small peace with justice.

A. LAWRENCE LOWELL,
OSCAR S. STRAUS,
THEODORE MARBURG,
WILLIAM H. SHORT,

Committee of League to Enforce Peace.

Mr. REED. Mr. President, I should like to inquire of the Senator who introduced this paper if this is the same league which, in sending out a circular, boasted that it was financed by the great international bankers and business men who as subsequent testimony showed expected to get a large harvest of gold in Europe?

Mr. McNARY. Mr. President, this is the Washington bureau of the national organization, which has done tremendous good in an effort to bring about the ratification of the peace treaty, and I do not think it is pertinent to inquire who finances it, so long as they are working along the correct lines. I wish to say that the statement was issued last evening. I think I omitted to state that a moment ago.

Mr. BRANDEGEE. Mr. President, the views of the League to Enforce Peace are of no concern to me, and I do not think they have had any effect on the mind of any Senator in this Chamber, though, of course, I know the gentlemen who put them forth at periodic intervals are of the other opinion. They do no harm; they are perfectly harmless people, who are engaged in a work that they think is right, and I am very glad in my time to have extended to them the courtesy to print what has been said and written a thousand times heretofore, and what now comes with no seriously diminished force from the source from which it originates.

Mr. President, about a year ago the President of the United States issued an appeal to the country, just before the November elections. He urged the country to elect a Democratic Congress in both branches. He stated that while the Republican Party had been perfectly loyal during the war they did not support his policies and were not in favor of his administration; which was quite true. If the people had wanted his policies and administration supported they would not have elected this Congress. They rejected his demands, among which, conspicuously featured, was the following:

Unity of command in civil action is as necessary as it is on the field of battle.

That to me was a somewhat abhorrent proposition, and evidently the people so considered it. "Unity of command in civil action" in this Republic will come at a somewhat later period than this century, if I see things correctly.

The President's administration having been repudiated, and the armistice having been declared within a few days after the election, the President, who is one branch of the treaty-making power under our Constitution, came before Congress and announced that he was personally going abroad to negotiate the treaty. He stated to Congress that though far removed he should be in close touch, and he promised the joint session of

Congress that nothing should be done without our knowledge. He stated that the affairs were so vast and important that he would keep us closely advised of what took place in Europe. He denounced secret diplomacy and pledged himself to covenants openly arrived at.

After a sojourn of several months abroad he reappeared in Washington. The covenant which he brought with him was substantially that which we are about to reject. He gave a dinner at the White House, and had as his guests the members of the Senate Committee on Foreign Relations and of the House Committee on Foreign Affairs. The covenant and its terms were discussed as fully as at that time it was possible to discuss them, because it had only been exhibited to the American people in its perfected form for a very short period.

Immediately the attention of the members of the Senate committee and of the House committee was directed—by themselves, I mean—to what were considered to be vital defects and infringements of our Constitution and form of government. Radical departure from our traditional policies were pointed out and discussed, and the President was informed that changes would be absolutely necessary and that the covenant in the form in which it then stood was absolutely unsatisfactory to the Committee on Foreign Relations of the Senate.

The President, apparently taking the ground that to reopen the points referred to as defective and dangerous would involve a resubmission of the whole matter back to the committee of the plenary council, paid no further attention to it.

The meeting had been about February 16, as I remember the date. A couple of weeks passed by swiftly, and Congress was about to adjourn. But the members of the Committee on Foreign Relations of the Senate realized that if Congress adjourned sine die and dispersed over the country without expressing any views to guide the President, without making any attempt, whether he had made any or not, to advise and consult with him, as it was our constitutional duty to do, and he, separating himself again by the breadth of the Atlantic Ocean from his fellow countrymen, would be out of touch with the views of the country unless some method was taken to inform him that if he persisted in his then intention disaster would impend; whereupon, on the 4th of March, 1919, as appears on page 4974 of the CONGRESSIONAL RECORD, the Senator from Massachusetts [Mr. LODGE] introduced the following resolution:

Mr. LODGE. Mr. President, I desire to take only a moment of the time of the Senate. I wish to offer the resolution which I hold in my hand, a very brief one:

"Whereas under the Constitution it is a function of the Senate to advise and consent to or dissent from the ratification of any treaty of the United States, and no such treaty can become operative without the consent of the Senate expressed by the affirmative vote of two-thirds of the Senators present; and

"Whereas, owing to the victory of the arms of the United States and of the nations with whom it is associated, a peace conference was convened and is now in session at Paris for the purpose of settling the terms of peace; and

"Whereas a committee of the conference has proposed a constitution for a league of nations and the proposal is now before the peace conference for its consideration: Now, therefore, be it

Resolved by the Senate of the United States in the discharge of its constitutional duty of advice in regard to treaties, That it is the sense of the Senate that, while it is their sincere desire that the nations of the world should unite to promote peace and general disarmament, the constitution of the league of nations in the form now proposed to the peace conference should not be accepted by the United States; and be it

Resolved further, That it is the sense of the Senate that the negotiations on the part of the United States should immediately be directed to the utmost expedition of the urgent business of negotiating peace terms with Germany satisfactory to the United States and the nations with whom the United States is associated in the war against the German Government, and that the proposal for a league of nations to insure the permanent peace of the world should be then taken up for careful and serious consideration."

Mr. LODGE continued:

I ask unanimous consent for the present consideration of this resolution.

Mr. SWANSON. I object to the introduction of the resolution.

Mr. LODGE. Objection being made, of course I recognize the objection. I merely wish to add, by way of explanation, the following:

"The undersigned Senators of the United States, Members and Members elect of the Sixty-sixth Congress, hereby declare that, if they had had the opportunity, they would have voted for the foregoing resolution:

HENRY CABOT LODGE.

PHILANDER C. KNOX.

LAWRENCE Y. SHERMAN.

HARRY S. NEW.

GEORGE H. MOSES.

J. W. WADSWORTH, JR.

BERT M. FERNALD.

ALBERT B. CUMMINS.

F. E. WARREN.

JAMES E. WATSON.

THOMAS STERLING.

J. S. FREELINGHUYSEN.

W. G. HARDING.

FREDERICK HALE.

WILLIAM E. BORAH.

WALTER E. EDGE.

REED SMOOT.

ASLE J. GRONNA.

FRANK B. BRANDEGEE.

WILLIAM M. CALDER.

HENRY W. KEYES.

BOIES PENROSE.

CARROLL S. PAGE.

GEORGE P. MCLEAN.

JOSEPH IRWIN FRANCE.

MEDILL MCCORMICK.

CHARLES CURTIS.

LAWRENCE C. PHIPPS.

SELDEN P. SPENCER.

HIRAM W. JOHNSON.

CHARLES E. TOWNSEND.

WILLIAM P. DILLINGHAM.

J. L. LENOIR.

MILES PONDENTER.

HOWARD SUTHERLAND.

TRUMAN H. NEWBERRY.

L. HEISLER HALL."

I ought to say in justice to three or four Senators who are absent at great distances from the city that we were not able to reach them; but we expect to hear from them to-morrow, and if, as we expect, their answers are favorable their names will be added to the list.

My recollection is that four other Senators signified their desire to have their names placed upon that paper, and they were so placed, which would make 41 Senators, or 39, or whatever the number was. At any rate, there being 96 Senators in the Senate, 32 would be one-third, and 37 signed that note, which was 5 more than one-third of the Senate, which number can defeat any treaty under the Constitution.

That was notice to the President and notice to those with whom he was negotiating that more than one-third of the coordinate treaty-making branch of this Government was opposed to the covenant. The notice is here in the CONGRESSIONAL RECORD, the official publication of Congress. It appeared in all the papers. It no doubt went overseas, if the censorship permitted at that time. Of course, every power which was negotiating with the President knew what the Senate had attempted to do here and how it felt.

Within two or three days after that, if not the very next day, the President of the United States, with that knowledge, departed from Washington for New York, and that night in the city of New York he made an address to his fellow citizens, on the eve of his departure to resume his labors in Paris, and he told them, with this resolution in view, that when he came back he would have the covenant so intertwined with the peace treaty and their relations with each other so interdependent that they could not be separated.

Mr. President, I took occasion publicly to announce at that time that if the President carried out his threat I should unhesitatingly vote against both documents, and I intend to redeem my promise this afternoon.

This country was entitled to peace. The armistice was proclaimed, if my memory serves me, and went into operation over a year ago, on the 11th of November, and for a year the world has been crying for peace. They have been crying peace, where there is no peace, and when crying for peace they have been offered a covenant of force.

Everybody knows that the covenant and the treaty are defective, but there is a certain class of people in this country who, although they know the United States ought not to ratify the terms of the treaty, especially the covenant, have had it held up to them that they can not have peace unless they take along with what they want something they do not want, to wit, the covenant, which is the contrivance of the President. So in every possible way which artifice could suggest and persistent propaganda backed by limitless capital could contrive, every possible imaginable pressure has been started and applied to American Senators, who believe that under their oath of office and their constitutional duty as Senators they ought not to ratify this treaty, to ratify it.

They have been threatened with political extinction; they have been threatened with all sorts of boycotts. Bankers and brokers, exporters and importers, every avenue of high and low finance has been marshaled to apply the strongest kind of pressure at the proper point to secure votes for something that Senators knew it was their duty to reject. The press and the pulpit have been wheeled into line largely in this process, and a persistent propaganda of misrepresentation as to what the document to be approved was has been sedulously and unintermittently kept up from the time the President returned to this country.

As stated by the Senator from Wisconsin [Mr. LENROOT], who preceded me, very few people in the country have had the opportunity even to see the document. Fewer have had the opportunity to read it. Still fewer have had the information given them as to what it means, and the great number of them of course have not the technical training and education to understand what it means in its implications and far-reaching conclusions if they had read it.

This is no ordinary peace treaty. The President himself calls it not a treaty but a "world constitution," and he describes it as creating, as it does, a new "world order." Here is a document of 536 pages. I wonder how many of the ladies and clergymen and parishioners and people generally who signed petitions and sent them here to us to vote for it without any sort of amendment or reservation which would involve any diplomatic negotiations on the part of other signatories to get their acceptance to them knew what they were asking us to vote for?

The reason this persistent campaign, directed by well-meaning but in my judgment mistaken people, is going to fail is because there are enough Senators who are going to do their duty as they see it under their oath of office, and resist the pressure—

that is all—enough Senators who have brains sufficient to make up their own minds how they ought to vote in the greatest crisis that has ever confronted this country and courage enough to vote as they think.

I said before that this country is entitled to peace. This covenant is not necessary to the making of a peace treaty. We would have had peace long ago if the President had not practically told the other powers that he would not participate in the making of a peace treaty unless they let him put his covenant in as a part of it. We have not held up peace. The President has held up peace. It is the insistence upon this covenant, which has nothing to do with peace, the insistence that America shall plunge itself into this world vortex and hereafter live its life in that maelstrom, that has held up peace.

There has not a day gone by since the President sent this covenant to the Senate that a joint resolution declaring peace between the United States and Germany would not have established peace. The fighters were at peace. What is the use of denying that? Hostilities ceased over a year ago. The trenches are being filled up and crops planted. The German Army has demobilized and Germany's fleet is sunk or surrendered. Our own Army is demobilized and gone home.

While, to judge from public prints, Col. House and others abroad have been using their good offices to prevent any setting up of a league of nations which would look as though it could operate without us or any technical condition of peace, delaying it all the time in the hopes of calling us into their artificially contrived scheme, the fact is that we are at peace! Whether or not the attempt will be made to perpetuate the technical condition of war which may exist because we have not ratified this covenant for a league of nations I have no means of knowing. But I do know that this treaty contains a clause which says that whenever the treaty has been ratified by three of the principal allied and associated powers and Germany, all of the powers shall send diplomatic and consular agents to Germany; and I do know that nothing prohibits our trading with all the world, except some war-time statute which can be wiped off the statute books as soon as the President can be induced to proclaim as a fact what everybody knows exists—that is, that we are at peace!

Mr. President, as the Senator from Pennsylvania [Mr. KNOX] this morning so ably stated, I have voted for these reservations because if by any chance the United States should have to join this league, I wanted the United States of America to be protected as well as it could be under the circumstances. But I would not vote for a league of nations based upon the principle that this league is based upon, with all of the reservations that the wit of man could devise, because it would not be safe for my country.

Mr. President, I would cheerfully and happily vote for any association of nations designed to promote the development of international law, to agree upon an international code to govern the relations of nations with each other, and for a great international court composed of men of recognized learning in international law, competent, educated, experienced, the elect of the nations, and for that great international court to promulgate its judgment according to a code agreed upon and acknowledged. I think nations could safely submit their cases to such an elevated tribunal.

But because I would do that, does it follow that, spurred on by the false and misplaced confidence that peace would result from this contraption, I will vote to place the destiny of my country under the control of a politically selected tribunal of nine, a foreign tribunal sitting forever upon foreign soil, without knowledge, or care for the traditions, or the hopes, or the aspirations, or the interests of my country, attended by one delegate appointed by the President of the United States and no doubt satisfactory to him—does it follow that I will agree that this country shall stake everything that it holds dear upon the judgment of a tribunal that is eight to one against us in advance?

Why, Mr. President, I would consider myself a candidate for a madhouse if I were to vote for any such thing. I think that a respectable lawyer who would advise a poor client to do any such thing as that ought to be disbarred. I—but I will not say what I was about to say. I was about to say that I do not believe any Senator here would submit his own affairs to such a tribunal, but I will not say that because it implies that a Senator would imperil his Government when he would not imperil himself or his own affairs. But I can not understand how a reasonable man, especially one who has had experience in the law and with legal tribunals and with juries, and who knows legal propositions, can for a minute propose, for instance, that we assume, as a sacred obligation that we intend to per-

form, to respect and preserve for all time the territorial integrity and political independence of every member that may join the league for all time.

I can not believe that anybody in this country seriously intends to do any such thing; and if he did, he would know it could not be done without having eternal conscription and an army ready at all times to rush to the aid of whichever boundary might be assailed in Europe, Asia, or Africa. When they get right up to it and confront it, they commence to split hairs about the difference between our legal obligation and our moral obligation. Good God! It is an obligation made in a sacred treaty; it is there. You will be called upon to perform it; you have got to come across or admit that you are a quitter. There is but one way to look the world in the eye, Mr. President, and that is to do what you agree to do, but be careful to what you agree. That of itself, which the President says is the heart of the whole covenant, as it is, is enough to damn the whole thing irretrievably forever.

The President told us at the White House in his interview—and it is all in print, verified by his own stenographer, who was present—that our delegate over there, whoever may be our delegate in the council, will have to vote as he is ordered to vote. If that is true, every other sovereignty's delegate will have to vote as his secretary of state or foreign office orders him to vote. On what sort of a basis are they to vote? Is there any statute or code they are called upon to consult to see what their powers are? There is nothing except what is in the covenant, and they vote as they are ordered.

Mr. President, this document is supposed to usher in the dawn of peace and, as is stated in the preamble, if you will look over its honeyed words, to establish justice and equity. They are to vote as they are ordered. What is the use of anybody appealing to a tribunal to give him justice if the delegate is subject to being pulled by a string by Lloyd-George from behind the screen somewhere or by M. Clemenceau from Paris or by Mr. Wilson from the White House?

But, it is said, no damage can be done, because the decision must be unanimous. Of course, this proposed organization is either impotent or it is a despotism. If the decision has got to be unanimous, the league can not operate in the greatest world crises and emergencies, when there is the most need for it; but every nation estops itself from acting in any other way. And if it is not impotent, then it is a despotism; a despotism to array all the power of the world and turn it loose upon anybody, in its own judgment, controlled by nothing except political expediency, if the delegates are to vote as they are ordered. In the name of heaven, what is the use of going through all this red tape and circumlocution solemnly to summon this tribunal to sit abroad and gather from all corners of the world all the disputes and brief them and file arguments and go through the motions, if they are to vote as they are ordered after it is all done?

There is nothing left but the general secretariat, the chief of which will draw his salary, and then there will be hordes of employees all over the world hunting for trouble and always finding it. If that is all there is to it, Lloyd-George and Clemenceau and Mr. Wilson might just as well exchange wireless messages and stay home where they are and do it themselves instead of having these high-priced gentlemen selected after all this weary work to obey their orders.

It is a perfect chimera, Mr. President. It never could have been let loose on the world at any other time than this. When half of the world is heartbroken, with frazzled nerves and disordered judgment, when they have lost their bearings and are floating around upon an uncharted sea that has only just ceased to be a sea of submarines, and everybody is in a state of nervous exhaustion, somebody appears with this thing, like a young Lochinvar out of the west, and says, "I have got it; here is a miracle; it will cure everything; henceforth God reigns and war is no more!" The people just went wild about it, hypnotized, and praying for anything that would give them peace.

It is nothing but a mind cure, Mr. President. As soon as the people recover from this pipe dream they will see good, old human nature and cause and effect continue to operate and to do business at the same old stand, and that this is nothing more nor less than an ignis fatuus, except as it may be vitally dangerous. It will not accomplish what they say it will accomplish, in my judgment, but it may accomplish a whole lot of things that they will be disavowing and trying to get out from under the responsibility of if it should ever go into operation.

Of course I am glad to know that it is not going into operation, so far as we are concerned, and I think that any time it is attempted to operate it in an emergency, when pressure is applied to it, it will blow up, just like an automobile tire when it

is pumped too hard, and those who are riding in the vehicle will have to make other arrangements. [Laughter.] Mr. President, all I want is that we shall not be in that vehicle.

I am absolutely convinced if we can survive the present condition of hysteria for a year and keep out of this thing that nobody will admit that he ever favored it. The people will be so glad that they are out of it when they see the gentlemen who are inside the cage abroad over there that the Senators who vote against the ratification of this treaty, with or without reservations, will have done something for their country that I do not believe they can duplicate in good effect if they live a thousand years.

Let me say to Senators who think that what we write here into these reservations or mild interpretative understandings is going to have any effect on this iron-and-steel juggernaut when it gets moving; that all the reservations that you can write here, after you are received and given the glad hand and escorted to the penitential stool of the league, will melt like the snow before the sun; they will not amount to anything. Our own delegate will arrive amongst his six British associates and call their attention to the little reservation that is written here. They will look at him in a compassionate way, as the gentleman on Broadway views the gentleman just arrived from up State [laughter], and they will say to him, "Why, you are in, are you not? Well, this has all been decided now, and the heart of the world will break if you do not go along. We all made contracts with each other and guaranteed each other's bonds and pooled our financial and other indebtedness, and you call this reservation to our attention. Well, everybody is committed to it in advance." So the machine is moving before our delegate will probably know what has been done. There will be some secret arrangements made—they are made now, no doubt—just as they were made when we tried to concoct this plan. We protested the loftiest fourteen principles that ever were uttered, in the last few thousand years at least, and we have been searching with a microscope to find them here. So it will be when the league begins to operate. They will say, "The understandings that we all arrived at over here have got to go through; that is all there is to it. You can go along with the great powers of the world or you will be isolated, and there are provisions in the covenant for boycotts and similar harsh treatment." If we are quitters now, because we will not come in, what do you think we would be called then if we wanted to get out? And how can we get out after we are hopelessly entangled? Do not worry about their refusal to agree to the reservations; you need not lose a minute's sleep about that. All they want to do is to get us in; they will take care of the reservations after we are in. But you will not get out unless you fight your way out.

But imagine trying to apply this scheme, Mr. President, to this country. We came 3,000 miles to get away from them, to get liberty and justice and an opportunity to govern ourselves and to establish our independence and freedom, to do as we pleased, as we agree with each other here to do. Now we are going to go back and resume our former relations, practically.

As the Senator from Pennsylvania [Mr. Knox] observed this morning the spirit of this plan to subordinate this great Republic into this international socialistic combine is absolutely in the face and teeth and eyes of our Constitution. Mr. President, I believe our Supreme Court would declare it unconstitutional if we should enter into it, and I have so believed from the beginning. I do not believe the President nor the Congress, until you have amended the Constitution, if you wish to do so, have any authority to meddle in creating a new world order of things. I do not believe we have any constitutional power to tax the American people for money to make the munitions of war, to construct armies and build ships and navies and transport our men to the uttermost ends of the earth for the purpose of preserving peace on the Euphrates River or between Siam and Bengal. In the performance of what constitutional function could this be done?

I have spent 30 years of my life listening to the wail of the Democratic Party that we have no constitutional authority to levy taxes to protect our own American laboring men, our own manufacturers, and our own products, but now they say that forever we have got solemnly to contract in a treaty to use the taxing power of Congress to raise funds to uplift men everywhere. Can that be constitutional, Mr. President? And whether constitutional or not, how long will the voter fall for it? What, in the words of our great Secretary of State, whom I am following now in my course of voting to reject this treaty—in his celebrated words to Mr. Bullitt—"what does it let us in for?" No man can tell; but I know this, that it lets you in for the first step, and the first step on the downward course is the fatal one, Mr. President. The only way to keep

out of this vista of calamity that looms like a black thundercloud on the horizon and into which we will be led step after step without our knowledge—because it will all be done in secret—the only way to avoid this endless chain of entanglements, embarrassments, and unconstitutional duties is not to take the first step. We are at the first step to-day.

Now, I know where I stand; I am on American soil, Mr. President; I am looking at the Stars and Stripes back of your chair, sir, with pride, and I am offered a bridge to cross an unknown sea and invited to take my stand under the sickly flag of international socialism; and I decline to do it! I refuse to take the first fatal step, Mr. President.

Talk about its being our duty to stabilize the world! Why, I want to stabilize my own country. Here we have strikes and threats of strikes, riots and race riots, North and South and East and West; and before I go into the stabilizing business abroad I believe in making the foundations of a republican-democratic form of government safe and stable in my own country. I do not believe that the whole world is going to revert to chaos and anarchy because of the lack of this covenant. If they want in Europe to revert to chaos and anarchy, this covenant will not stop their doing it; and although they are in dire distress, and we ought to help them in every way possible, I do not believe it is necessary to merge governments with them to do it.

Mr. President, we ought to have had peace at any time during the last year. We ought to have it now. When this treaty fails to get the constitutional two-thirds we ought to declare that peace exists. If the President wants to veto that, I would let him do it. If he insists on keeping us in a technical condition of war when Congress says we are at peace, I would let him veto it, if it is a joint resolution, and see how the people like to be kept at war, technically or otherwise, unless the President can have the form of treaty that he wants, irrespective of what his equal constitutional partner thinks about the proper kind of a treaty.

What we ought to do, Mr. President, is to pass section 5 of Senate joint resolution 76, introduced by the Senator from Pennsylvania [Mr. Knox], who, away back on the 10th day of June, saw things in their true light. He is a gentleman of experience in these matters, and his vision has not been distorted even by the strenuous times that the world has lately survived. He was trying to get you to declare peace then.

Section 5 reads as follows:

That, finally, it shall be the declared policy of our Government, in order to meet fully and fairly our obligations to ourselves and to the world, that the freedom and peace of Europe being again threatened by any power or combination of powers, the United States will regard such a situation with grave concern as a menace to its own peace and freedom, will consult with other powers affected with a view to devising means for the removal of such menace, and will, the necessity arising in the future, carry out the same complete accord and cooperation with our chief cobelligerents for the defense of civilization.

France will be satisfied with that, Mr. President. All they want to know is that they will be secure. I think we ought to do something for France. We prevented France protecting herself when she was in a position to do it. When they were in the peace conference they and their greatest generals pointed out that with their great inferiority of men, as compared with their German neighbors, the Rhine must be the boundary between France and Germany. Then they would have had the river and the bridgeheads, and no sudden rush could be made against them. They care nothing for this covenant or league.

If you give them their barrier, they will manage to protect themselves; but Mr. Wilson would not agree to that. He made them back down from that position and take this thing as a substitute. Maybe they will not get either now. I do not know. I hope they will.

The President went abroad, however, and he represented to those people, of course—he was his own high commissioner—that he represented the views of America, and that he would get this thing through the Senate, after more than a third of the Senate in writing had said that they would not vote for it. There were a few changes made of very little importance. When he went back, after we had passed this resolution saying that we would not agree to it as the thing stood, and called his attention to the fact that the treaty did not say upon what notice we could get out, he put in a provision that we could get out on notice of two years; but there is no change in article 10. There is that obligation. Of course you know that would not be changed, because, if you will read the President's testimony given to the Foreign Relations Committee at the White House, you will see that that was his own child. He had originated that idea long before the German war broke out. He had originated it before the Niagara Falls conference on the settlement of the Mexican question, and negotiations had been conducted with the diplomatic officials of the various South American Republics, and it was the President's idea that that should

be a Pan American doctrine. It fell through. I wish to God it had fallen through when he took it abroad; but he made no change in that, and that has created all the trouble. That it is which, if we should agree to the treaty, would have deprived America of being the judge of its own conduct. That it is which would have transferred the management of our foreign relations from our own country to an international league. That it is which is so abhorrent to the whole American people, and that is the heart of the covenant and the backbone of the league.

As I say, Mr. President, whatever can be done to promote international good will and peace and order in the world, to administer justice and equity according to the methods of civilized tribunals, will have my most hearty support; but I never will vote for this or any other covenant or treaty which is based upon force utterly unrelated to justice or to equity. That is the inherent vice of this alliance, as it was of the ill-fated, historic Holy Alliance.

The Lodge resolution of ratification containing the 14 reservations follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty of peace with Germany concluded at Versailles on the 28th day of June, 1919, subject to the following reservations and understandings, which are hereby made a part and condition of this resolution of ratification, which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted by an exchange of notes as a part and a condition of this resolution of ratification by at least three of the four principal allied and associated powers, to wit, Great Britain, France, Italy, and Japan:

1. The United States so understands and construes article 1 that in case of notice of withdrawal from the league of nations, as provided in said article, the United States shall be the sole judge as to whether all its international obligations and all its obligations under the said covenant have been fulfilled, and notice of withdrawal by the United States may be given by a concurrent resolution of the Congress of the United States.

2. The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether members of the league or not—under the provisions of article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide.

3. No mandate shall be accepted by the United States under article 22, part 1, or any other provision of the treaty of peace with Germany, except by action of the Congress of the United States.

4. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children, and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the league of nations, or any agency thereof, or to the decision or recommendation of any other power.

5. The United States will not submit to arbitration or to inquiry by the assembly or by the council of the league of nations, provided for in said treaty of peace, any questions which in the judgment of the United States depend upon or relate to its long-established policy, commonly known as the Monroe doctrine; said doctrine is to be interpreted by the United States alone and is hereby declared to be wholly outside the jurisdiction of said league of nations and entirely unaffected by any provision contained in the said treaty of peace with Germany.

6. The United States withholds its assent to articles 156, 157, and 158, and reserves full liberty of action with respect to any controversy which may arise under said articles between the Republic of China and the Empire of Japan.

7. The Congress of the United States will provide by law for the appointment of the representatives of the United States in the assembly and the council of the league of nations, and may in its discretion provide for the participation of the United States in any commission, committee, tribunal, court, council, or conference, or in the selection of any members thereof and for the appointment of members of said commissions, committees, tribunals, courts, councils, or conferences, or any other representatives under the treaty of peace, or in carrying out its provisions, and until such participation and appointment have been so provided for and the powers and duties of such representatives have been defined by law, no person shall represent the United States under either said league of nations or the treaty of peace with Germany or be authorized to perform any act for or on behalf of the United States thereunder, and no citizen of the United States shall be selected or appointed as a member of said commissions, committees, tribunals, courts, councils, or conferences except with the approval of the Senate of the United States.

8. The United States understands that the reparation commission will regulate or interfere with exports from the United States to Germany, or from Germany to the United States, only when the United States by act or joint resolution of Congress approves such regulation or interference.

9. The United States shall not be obligated to contribute to any expenses of the league of nations, or of the secretariat, or of any commission, or committee, or conference, or other agency, organized under the league of nations or under the treaty or for the purpose of carrying out the treaty provisions, unless and until an appropriation of funds available for such expenses shall have been made by the Congress of the United States.

10. If the United States shall at any time adopt any plan for the limitation of armaments proposed by the council of the league of nations under the provisions of article 8, it reserves the right to increase such armaments without the consent of the council whenever the United States is threatened with invasion or engaged in war.

11. The United States reserves the right to permit, in its discretion, the nationals of a covenant-breaking State, as defined in article 16 of the covenant of the league of nations, residing within the United States

or in countries other than that violating said article 16, to continue their commercial, financial, and personal relations with the nationals of the United States.

12. Nothing in articles 296, 297, or in any of the annexes thereto or in any other article, section, or annex of the treaty of peace with Germany shall, as against citizens of the United States, be taken to mean any confirmation, ratification, or approval of any act otherwise illegal or in contravention of the rights of citizens of the United States.

13. The United States withholds its assent to Part XIII (articles 387 to 427, inclusive) unless Congress by act or joint resolution shall hereafter make provision for representation in the organization established by said Part XIII, and in such event the participation of the United States will be governed and conditioned by the provisions of such act or joint resolution.

14. The United States assumes no obligation to be bound by any election, decision, report, or finding of the council or assembly in which any member of the league and its self-governing dominions, colonies, or parts of empire, in the aggregate have cast more than one vote, and assumes no obligation to be bound by any decision, report, or finding of the council or assembly arising out of any dispute between the United States and any member of the league if such member, or any self-governing dominion, colony, empire, or part of empire united with it politically has voted.

Mr. BRANDEGEE. What patriotic American is opposed to these reservations?

Mr. HITCHCOCK. Mr. President, the Senator from Connecticut [Mr. BRANDEGEE], with a delightful sarcasm and cynicism, has treated us to some rather humorous remarks about this treaty and its supporters. Nothing that he said, however, was more humorous than when he declared that he would not permit his distinguished friend [Mr. LODGE], the leader of his party in the Senate, who stands as the proponent of this resolution of ratification, to lead him into the paths of "international socialism." The spectacle of the distinguished Senator from Massachusetts [Mr. LODGE] espousing international socialism, and attempting to lure the Senator from Connecticut in that way, is about as humorous a sight as I can think of.

But, Mr. President, I regret that the shafts of sarcasm and cynicism and the sneers and gibes of a political debate should be the methods used and the weapons adopted in considering the momentous matter that is now before the Senate.

Mr. President, how can Senators view this great attempt to organize the world for peace as a matter of jest and gibe and joke? How can they do so when they know that in the past the world has been organized for war, and that every nation has been organized for war, and that probably the greatest evil that has beset civilization has been war? How can they, when we are only fresh from the terrible experiences of war, look upon a great world-wide attempt to prevent it in the future as a matter for gibe and jest?

Mr. President, the President of the United States has been charged with perverting the desires of this country and misrepresenting them in his work of negotiating this treaty. What are the facts? The facts are that this country long ago was clearly committed to the establishment of a league of nations as a part of this peace settlement and as one of the objects for which we were fighting in this war.

Nearly two years ago, in his speech of January 8, 1918, before the Congress of the United States, the President outlined the purposes for which we fought and the objects we would seek in negotiating peace. One of them read as follows:

A general association of nations must be formed under specific covenants for the purpose of affording mutual guaranties of political independence and territorial integrity to great and small States alike.

More specifically the President mentioned some of the small nations for which we were to guarantee political independence and territorial integrity. He said, for instance:

An independent Polish State should be erected which should include the territories inhabited by indisputably Polish populations, which should be assured a free and secure access to the sea, and whose political and economic independence and territorial integrity should be guaranteed by international covenant.

That was the proclamation of the President of the United States of America before the Congress of the United States January 8, 1918. We all heard it, we all applauded it, and it was eight months after that time before any voice in the United States was raised, in either the House or the Senate, to question that purpose as the policy of the United States and one of the objects in this war. Yet Senators come here now and charge that the President lugged this matter into the peace settlement at Paris without justification.

Mr. President, that is not all. Senators here within the sound of my voice indorsed the proposition; Senators on the other side of the Chamber, before and after the delivery of that address by the President of the United States, supported the plan, and the distinguished leader of the majority in the Senate introduced the following resolution:

That in the opinion of the Senate an independent Polish State should be erected which should include the territories inhabited by indisputably Polish populations, which should be assured a free and secure access to the sea, and whose political and economic independence and territorial integrity should be guaranteed by international covenant.

That was the general position a year ago.

Yet we are now confronted by a declaration adopted by the majority repudiating that moral obligation, and when I speak of the Senator from Massachusetts having made that proposition to guarantee the independence of Poland I could speak of the Senator from Massachusetts having made it with regard to Bohemia, and with regard to the Jugo-Slav State, and I could speak of other Senators on the majority side who here in the Senate during the war made the declaration repeatedly that the United States should unite with our associated nations in this war to guarantee the existence of those little nations that we proposed, as one of the purposes of the war, to bring into existence.

Yet one of the reservations which we are asked to accept in this treaty reads as follows:

The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations.

Is that not repudiation? How can the Poles look at it as anything else than repudiation? How can the Bohemians look at it as anything else than repudiation? How can the Jugo-Slavs look at it as anything else than repudiation? How can the Governments associated with us in the war, who have honestly assumed the obligation in ratifying the treaty, look at our action as anything else than repudiation, and an abandonment of them in the enterprise in which we started with them?

Mr. KELLOGG. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. HITCHCOCK. I will yield to the Senator briefly. I have very little time.

Mr. KELLOGG. Will the Senator from Nebraska please explain the difference between the reservation he has read, which was adopted, and the one introduced by the Senator on the 15th of November, 1919?

Mr. HITCHCOCK. Mr. President, that is not a reservation that I proposed, and I did not intend to propose it at the time. I had it printed, but I have not offered it.

Mr. KELLOGG. It was proposed by the Senator and printed.

Mr. HITCHCOCK. Yes; I had it printed, but not proposed. I have had a good many things printed that I have not proposed.

Now, Mr. President, we have been charged with an attempt to kill this treaty in voting against unfriendly reservations.

Mr. OWEN. Mr. President, before the Senator leaves that point with regard to international relations, it is only fair to say that the Democratic platform of 1916 set forth a plan for a league of nations, and President Wilson went before the country on that issue. The plank in the platform embodying it is as follows:

We hold that it is the duty of the United States to use its power, not only to make itself safe at home, but also to make secure its just interests throughout the world, and, both for this end and in the interest of humanity, to assist the world in securing settled peace and justice. We believe that every people has the right to choose the sovereignty under which it shall live; that the small States of the world have a right to enjoy from other nations the same respect for their sovereignty and for their territorial integrity that great and powerful nations expect and insist upon; and that the world has a right to be free from every disturbance of its peace that has its origin in aggression or disregard of the rights of peoples and nations; and we believe that the time has come when it is the duty of the United States to join with the other nations of the world in any feasible association that will effectively serve those principles, to maintain inviolate the complete security of the highway of the seas for the common and unhindered use of all nations.

Mr. HITCHCOCK. Yes, Mr. President, that is the plank, and, as I recall it, the Republican platform had a plank to a similar effect, drafted by the distinguished Senator from Ohio [Mr. HARDING].

Now, Mr. President, we are charged with defeating this treaty because we can not accept those reservations, because we claim that they nullify the treaty that they are assumed to clarify. How can we think otherwise? Who made these reservations? Did we have any voice in them, we who were expected to furnish the bulk of the votes for the ratification of the treaty? No. The Senator from Connecticut [Mr. BRANDEGEE], who has declared that he will never vote for the treaty in any form, was influential in making those reservations. So was the Senator from California [Mr. JOHNSON], and the Senator from Pennsylvania [Mr. KNOX], and others in and outside of the Foreign Relations Committee who propose never to vote for the treaty. They were the instrumental men, in connection with some 15 others, in making these reservations.

Mr. BRANDEGEE. Mr. President, I think the Senator ought to be proud to defeat the treaty. I do not make any charge against him.

Mr. HITCHCOCK. So I say, Mr. President, that we can not view as made in good faith reservations which are dictated

by Senators who do not propose to vote for the treaty, who do not believe in the treaty. I do not criticize them. I do not criticize Senators like the Senator from Connecticut [Mr. BRANDEGER] and the Senator from Idaho [Mr. BOZAN], who sincerely believe that the league is wrong, but I maintain that they are not the proper ones to draft reservations setting forth the meaning of this treaty. They should not expect us to vote for reservations they prepare.

They have not drafted them for the purpose of helping the treaty. We have had no opportunity, as yet, on this side to get together with the 30 or more Senators on the other side of the aisle who would like to see this treaty ratified in some form. You of the other side have drafted these reservations just as a caucus drafts a platform, and you say to us, as the Senator from New Jersey [Mr. EDGE] said, "Take it or leave it; that or nothing." Such a proceeding is not worthy of the Senate of the United States; it is more suited to a political convention. The proper way for the Senate of the United States to act upon the treaty is for those on both sides who want the treaty in some form to get together and see if they can compromise their differences and agree upon reservations that may be properly interpretative of the meaning of the treaty and which protect the interests of the United States.

Mr. KNOX. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Pennsylvania?

Mr. HITCHCOCK. I ask the Senator to be very brief.

Mr. KNOX. I will be very brief. I only want to know whether that was the spirit which inspired the Senator from Nebraska when he said that this treaty must be ratified without the dotting of an "i" or the crossing of a "t"?

Mr. HITCHCOCK. Mr. President, the Senator misquotes me; but I do not care to discuss that. I have material things that I want to say here.

Mr. President, take these reservations as they are considered. There is the reservation in reference to the right of withdrawal. We admit, we proclaim, that the treaty means that any nation can withdraw at any time on giving two years' notice, and that it, and it only, is the judge of whether or not the prescribed conditions have been met. We offered a fair interpretation. Yet we are charged with opposing this pending reservation. We do so because the draft of it is made by those who are against the treaty. It is offensive and unfair. A properly drawn reservation to that effect would receive the support of this side of the Chamber.

There is in this resolution a reservation in reference to domestic questions. We have never claimed that domestic questions should be the subject of consideration by the league of nations. We believe that the covenant of the league of nations proclaims that they are not. But we are perfectly willing to have a proper reservation incorporated in the resolution of ratification making that clear. But we do not want it put in such offensive language as to make it difficult and objectionable to the nations associated with us.

Mr. President, these reservations are not aimed at our enemy in the war. I do not know whether to say the present war or the late war. They are not aimed at our enemy. They are, however, reservations directed in a spirit of suspicion and animosity against the very nations that fought and sacrificed with us. One of these reservations gives direct and distinct offense to one of the nations, and several of them would be considered highly obnoxious by the various nations that fought with us in the war.

Take the Monroe doctrine, Mr. President. We believe that the Monroe doctrine is distinctly protected in this covenant of the league of nations, but we are willing to have the reservation making that protection more clear to those who doubt. We can not accept the phraseology of the reservation that is put up to us with "take it or leave it." We ought to have some voice if we furnish the votes for the ratification.

Take article 10, relating to the use of the Army and the Navy. When the treaty first came to the Senate it was proclaimed by opponents of the league that the league of nations could control the use of our Army and Navy. Gradually, as objectors were driven from that position, they set up another bogey, namely, that article 10 bound the United States to guarantee all the national boundaries of the world and to participate in all its wars, and so they insert the reservation of repudiation relating to article 10 that "we assume no obligation," although we have committed ourselves during this war to a moral obligation to do certain things. We are perfectly willing to have such a reservation with relation to article 10 as will make it impossible for the league of nations to have anything to do with ordering out our Army and our Navy. We know that this can only be done by an act of Congress.

We know that it ought not to be done except by the votes of the representatives of the people of the United States.

So with regard to mandates. We believe, and the President has repeatedly stated, that a mandate can not be forced upon us. We can not be compelled to take Turkey or Armenia. We can not be compelled to take any mandatory. Any mandate offered to any country is a matter for its acceptance or its rejection, and undoubtedly in our country it can only be accepted by an act of Congress approved by the President of the United States. It is a solemn matter.

Another reservation relates to the selection of the American representatives in the league or on commissions. Everybody supposes, and I think the President has assumed, that any American representative would have to be appointed by the President and confirmed by the Senate, and there is no need for proclaiming to the world in this treaty that the Senate has an antagonistic attitude toward the President of the United States. It can be stated, of course, if necessary, that the representatives of the United States shall be appointed by the President and confirmed by the Senate, and that their duties shall be as provided in an act of Congress. There is no difficulty about that. There is no need to affront the President as is proposed.

So in the matter of the six votes of the British Empire. Mr. President, every possible prejudice in this country has been appealed to by the enemies of this treaty. They have appealed to religious prejudice, they have twisted the British lion's tail, they have appealed to race prejudices by saying that the colored nations of the world were going to dominate this league; they have appealed first to one prejudice and then to another to belittle a great issue.

It is a fact that the British Empire, with its self-governing dominions and colonies, will have 6 votes in the assembly of the league of nations. But nobody supposes, who is a friend of the treaty, that those 6 votes are to be cast when the British Empire or any of its dominions is a party in interest. The President has repeatedly said that they would be disqualified to vote in such cases. We are perfectly willing to have it specifically stated that that is the meaning of the league. I have not any idea that Great Britain would object to that. But the idea of attempting to give 6 votes to the United States, or the idea of trying to disqualify a great nation like Canada, just to the north of us, which suffered and sacrificed in the war more than we did, from casting a vote in the assembly is, to my mind, an absolute outrage. These self-governing, independent colonies of the British Empire ought to vote in the assembly, and it is they who insist on voting. The request did not come from London; it was Canada that insisted, and Australia that insisted, and they did it because they wanted to be independent of the British Empire, because they have interests of their own that they wanted to assert, and they are not willing to trust the British Empire.

Mr. OWEN. And interests against each other, too.

Mr. HITCHCOCK. Yes; and interests against each other. So I say, Mr. President, a great bugaboo has been made because of the fact that these self-governing colonies had 6 votes altogether. Is not Canada entitled to a vote? Is not Canada practically a republic like our own? Are not her objects and her civilization similar to ours, and her interests similar to our own? Why should we, an Anglo-Saxon race, object to Canada voting in the assembly?

Yet we are perfectly willing, and I believe it would be entirely justified, to specify in a reservation that when one of the self-governing colonies of or the Empire itself is interested in a dispute with us, the disqualification should apply to them all.

If any nation wanted to complain against another for having a great influence in the assembly it is the United States that might be complained against. The United States is going to be a great and potent power not only in the council but in the assembly of the league of nations.

Look at what happened when we went into this war. Do Senators forget that there is now and has been in existence for a number of years a great Pan American Union, twenty-odd Republics united under the leadership of the United States? Do Senators forget that the influence of the United States with those Republics in the Western Hemisphere is great? I will not say it is commanding, but it is great. Do Senators remember that when the United States declared war that South and Central American Republics, which had remained neutral and refused to declare war against Germany practically at our request, then declared war against Germany, following our example and following our lead? Do Senators remember that besides seven or eight American Republics which declared war in response to our request there were seven or eight others that dissolved diplomatic relations with Germany and that five others of those coun-

tries of South America in their congresses, in one house or the other, or by the executive officer himself, approved and commended the action of the United States and assumed toward the United States an attitude of benevolent neutrality?

Do Senators look upon those things and doubt that the United States has a greater influence in the assembly than any other nation in the world? I can not see how they can view the situation without saying that the most potent force in the assembly of the league of nations will be the United States, in association with the Republics of Central and South America, which have always looked to the United States as a friend and a protector.

Mr. President, I have not much more to say. I have said what I have, because I feel deeply that the time has come when in the Senate political convention methods should cease, caucus methods should be abandoned, and the men in the Senate who want a league of nations in some form, who want to ratify the peace treaty in some form, should get together and do it. They should give and take. They should compromise their views, and if possible bring about this great achievement which the world must meet. Is the world to be organized for peace or war?

Suppose we do not make the effort to organize it for peace. Suppose the league of nations fails, what will happen to the world? Inevitably the world will go back to its old state, and war will be on the program again because none of these critics of the league of nations have proposed anything. They have not had a kind word to say for the league of nations. They have not had a kind word to say for the great world effort that has been made to organize for peace and to save the lives of men in the future. They have not proposed anything else. They can not propose anything else. They know the inevitable result will be that every nation will proceed to prepare for war again unless the league of nations is adopted.

Mr. President, I believe that the new hour has come. I believe the time is past when it is impossible for the world to organize for peace. In the fall of the Russian Empire and the German Empire and the Austro-Hungarian Empire and in the development of democracies everywhere modeled somewhat after the United States the whole world has become democratic, and it will remain democratic and government will be stabilized if a method can be found by which they can get together, as they can in the league of nations, by agreement and the promise to abstain from the wars of conquest and not even to have wars to settle disputes, but to have those disputes settled by arbitration.

Yes; I believe the new hour has come, and I urge Senators upon the other side of the aisle who believe in the league of nations, as I know many of them do, to do something to make it possible for the two sides of the Senate to get together in a final settlement of ratification of the treaty by some feasible means. [Manifestations of applause in the galleries.]

The VICE PRESIDENT. Are the doorkeepers going to obey the orders of the Senate or are they not? It does not make any difference whether the disturbance was in the Senators' gallery or any other gallery. The occupants of the Senators' gallery have no higher right than the occupants of the other galleries. The rules of the Senate must be obeyed.

Mr. KELLOGG. Mr. President, the passionate appeal of the Senator from Nebraska, asking Senators on this side of the Chamber to compromise and agree on reservations comes a little late and with bad grace. I want to ask him if that has been his attitude for three months when he stood here and announced time after time that the treaty would be ratified without any reservations whatever; if that has been his attitude when, in the public press and in his speeches, he has stated that the treaty must be accepted as it is and the Senate abdicate its right to make reservations or pass upon this great document?

These reservations have not been sprung upon the Senate, as he intimates. Senators have not been notified on the other side of the Chamber that they must take these reservations as they are or not at all. These reservations have not been drawn by the enemies of the treaty. They have been drawn by its friends, who want to save it and who want to preserve a real effective league of nations and a treaty of peace with Germany.

The Senator from Nebraska has stood there like a wall to prevent any compromise, to prevent any agreement upon reasonable reservations which would accomplish what he admits now should be accomplished.

I am tired of this sort of talk. He knows as well as I do that the Senators on this side of the Chamber who desire an effective treaty have tried to obtain a compromise and have endeavored to produce reservations that would leave the treaty an effective document and yet protect the honor and the rights of this country.

I do not propose to vote for a treaty that does not protect our honor, that does not protect our rights, and does not protect our form of government and our institutions from foreign intermeddling. I am otherwise willing to go as far as anyone in establishing an effective league of nations and a treaty of peace.

I wish to refer to some of these reservations. They have been printed from time to time. They have been upon the desks of Senators. They have been discussed in the Senate for weeks and weeks. Only on the 15th day of November the Senator himself proposed a reservation, and if he can point out any difference between the reservation adopted by the Senate and the one which he proposed I should like to have him do it. When asked if he would not propose a different reservation he admitted that he proposed a good many things and has them printed, but does the Senator mean that as the leader of his party he introduces and proposes in the Senate a reservation to article 10 of the treaty as a joke, or did he mean it when he proposed it?

Now, let us see what it is. Its first words are—

The United States does not assume any obligation.

The reservation adopted by the Senate provides that—

The United States assumes no obligation.

Will the Senator point out the difference? There is not another word in the whole reservation changed, except that the word "unless" is changed to "until." Let me read the whole reservation proposed by the Senator from Nebraska:

The United States does not assume an obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether members of the league or not—under the provisions of article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose, until in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide.

The following is the reservation adopted by the Senate:

2. The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether members of the league or not—under the provisions of article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide.

If the Senator proposed it he must have been willing to vote for it. For what other purpose could it have been offered? I can not believe that the Senator proposed it in order to change two or three words, to make it different from the reservation which the President, while in Utah, announced that he would not accept. But if that is the reason, I am perfectly willing the Senator should not abandon it.

As a matter of fact, the salient reservations in this resolution do not differ in legal effect from many of those proposed by the Senator from Nebraska, which have been printed and laid on the desks of Senators.

Mr. President, this reservation was not drawn by the enemies of the treaty. It was drawn by the friends of the treaty who did not wish, in the face of our Constitution, to agree to make war in defense of the territorial integrity of every country on the face of the earth without a vote of the Congress. Would the Senator have this country go to the support of Japan to hold Shantung or Korea? Does the Senator think that we should enter into such a treaty in the face of our Constitution? I say no.

The people of the United States are generous, as was shown in this war when they sent their sons by the millions to foreign soil, sanctifying it with the sacrificial blood of their precious boys, and when they poured out their millions that German oppression and crime might be stopped. But the people of this country desire to protect their constitutional rights, and they say to the world, "Rely upon the good faith and the honor of the American people. We are willing to join a league of nations to insure world peace, but we are not willing to give up the control of our domestic questions, we are not willing to pledge this Nation to go to war and to send its sons abroad without the judgment of the American people which must be expressed through their Congress."

With reference to the reservations as to mandates, the Senator says that no one but Congress can accept a mandate, and that is what we say in the reservation. What objection can there be to that?

The Senator says that he wishes to except from the league of nations all domestic questions; and yet the league of nations submits what is a domestic question to the council, and if the council decides it is not a domestic question, they take jurisdiction of it.

Reservation No. 4, which has been adopted by the Senate, provides that:

4. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the league of nations, or any agency thereof, or to the decision or recommendation of any other power.

Situated as we are in the Western Hemisphere, with different questions involved, with different commercial conditions, is this country prepared to say that it will submit any of its domestic or political questions to the arbitration of European nations, with different aspirations, different peoples, different languages, and different governments and traditions? No self-respecting nation could possibly submit to any league of nations or to the council of any league of nations or to any arbitration tribunal any such questions as those. All this reservation does is to make it clear that the American people propose to settle their own questions, to work out their own destiny in their own way. Is there anything offensive in it?

This Republic is the hope of the world. Shall we surrender our aspirations and our Government to the dictation of foreign nations? Such a surrender is not necessary in order to constitute a league of nations to preserve peace. Why does not the Senator accept the reservation? I presume because he did not himself propose it.

The fifth reservation provides:

The United States will not submit to arbitration or to inquiry by the assembly or by the council of the league of nations, provided for in said treaty of peace, any questions which in the judgment of the United States depend upon or relate to its long-established policy, commonly known as the Monroe doctrine.

And so forth.

That is a doctrine which has stood for 100 years as an arm of strength to this Nation against foreign aggression upon the Western Hemisphere. There is not a Senator upon this floor who would surrender it; there is not an intelligent, honest, patriotic American in the United States who would do so. Then, why not say so? Of course, foreign countries are not reconciled to the Monroe doctrine; they have never been friendly toward it, and, of course, if they can get us to do so, they would have us submit that, together with all other questions, to the league of nations. But we do not propose to do so. Why not be honest about it and say so? The feelings of foreign nations are not so easily injured. If there is anything in that reservation which shocks their conscience and feelings, I fail to see it.

Mr. McCORMICK. May I interrupt the Senator from Minnesota a moment, to read a line from Lord Robert Cecil on the Monroe doctrine?

Mr. KELLOGG. Yes; I have no objection.

Mr. McCORMICK. He says:

The amendment—

That is, to the covenant—

may be described as vague in its essence.

Mr. KELLOGG. Mr. President, reservation No. 7, which no Senator upon the other side has criticized, was not drawn by the enemies of the treaty, but by its friends. It provides for the appointment of our representatives and for the assignment of their duties. That is clearly the duty of the Congress. Does the Senate of the United States wish the President to appoint these important officers as mere executive agents without confirmation by the Senate or without legal authority invested in them? I repeat, I have heard no objection to this reservation.

Again, reservation No. 13 was drawn by the friends of the treaty. I do not know of anyone who has fought more persistently than has the Senator from North Dakota [Mr. McCUMBER] for this treaty; but he is not willing, I am not willing, and I do not believe the American people are willing to submit the laboring men of this country to the dictation or the meddlesomeness of any commission sitting in Geneva or elsewhere. American labor is dignified; American labor is well paid; American labor lives well and should live well. Is it the object of this world conference of socialists and near socialists to disturb our labor relations and to reduce our labor to the level of European labor? Should it not rather be our object to keep it where it is? For upon the dignity of labor and upon the intelligence of the citizenship of the great mass of the laboring people of this country depends the hope of the Nation. Labor itself does not want any such articles.

Reservation No. 14 was drawn by the Senator from Wisconsin [Mr. LENROOT]. Has any Senator risen upon this floor to

justify giving a foreign country, with half our English population, six times the voting strength of the United States? No Senator has done so. The friends of the treaty are willing to provide by reservation a clause which will protect us and yet which shall not amend and destroy the treaty.

Mr. President, I have imperfectly discussed some of the reservations which the Senator indicates were drawn and have been offered with a statement that they must be taken as they are. I say they were drawn by the friends of the treaty, that they have been under discussion for weeks, and that the attitude of the Senator has been, "Take the treaty as it is or not at all."

Mr. President, I am sure there is no one within the sound of my voice more anxious than I that this war should end, that this treaty should be ratified, and that a league of nations should come into operation. That has been my earnest desire, and I have labored in every way possible in my humble way to bring about this consummation; but, Mr. President, I wish to accomplish it with honor to this country, safeguarding its institutions, for my first duty is to the American people, the Constitution, the laws, and the institutions of this land.

Mr. BORAH. Mr. President, I am not misled by the debate across the aisle into the view that this treaty will not be ratified. I entertain little doubt that sooner or later—and entirely too soon—the treaty will be ratified with the league of nations in it, and I am of the opinion with the reservations in it as they are now written. There may possibly be some change in verbiage in order that there may be a common sharing of parentage, but our friends across the aisle will likely accept the league of nations with the reservations in substance as now written. I think, therefore, this moment is just as appropriate as any other for me to express my final views with reference to the treaty and the league of nations. It is perhaps the last opportunity I shall have to state, as briefly as I may, my reasons for opposing the treaty and the league.

Mr. President, after Mr. Lincoln had been elected President before he assumed the duties of the office and at a time when all indications were to the effect that we would soon be in the midst of civil strife, a friend from the city of Washington wrote him for instructions. Mr. Lincoln wrote back in a single line, "Entertain no compromise; have none of it." That states the position I occupy at this time and which I have, in an humble way, occupied from the first contention in regard to this proposal.

My objections to the league have not been met by the reservations. I desire to state wherein my objections have not been met. Let us see what our attitude will be toward Europe and what our position will be with reference to the other nations of the world after we shall have entered the league with the present reservations written therein. With all due respect to those who think that they have accomplished a different thing and challenging no man's intellectual integrity or patriotism, I do not believe the reservations have met the fundamental propositions which are involved in this contest.

When the league shall have been formed, we shall be a member of what is known as the council of the league. Our accredited representative will sit in judgment with the accredited representatives of the other members of the league to pass upon the concerns not only of our country but of all Europe and all Asia and the entire world. Our accredited representatives will be members of the assembly. They will sit there to represent the judgment of these 110,000,000 people—more than—just as we are accredited here to represent our constituencies. We can not send our representatives to sit in council with the representatives of the other great nations of the world with mental reservations as to what we shall do in case their judgment shall not be satisfactory to us. If we go to the council or to the assembly with any other purpose than that of complying in good faith and in absolute integrity with all upon which the council or the assembly may pass, we shall soon return to our country with our self-respect forfeited and the public opinion of the world condemnatory.

Why need you gentlemen across the aisle worry about a reservation here or there when we are sitting in the council and in the assembly and bound by every obligation in morals, which the President said was supreme above that of law, to comply with the judgment which our representative and the other representatives finally form? Shall we go there, Mr. President, to sit in judgment, and in case that judgment works for peace join with our allies, but in case it works for war withdraw our cooperation? How long would we stand as we now stand, a great Republic commanding the respect and holding the leadership of the world, if we should adopt any such course?

So, sir, we not only sit in the council and in the assembly with our accredited representatives, but bear in mind that

article 11 is untouched by any reservation which has been offered here; and with article 11 untouched and its integrity complete, article 10 is perfectly superfluous. If any war or threat of war shall be a matter of consideration for the league, and the league shall take such action as it deems wise to deal with it, what is the necessity of article 10? Will not external aggression be regarded as a war or threat of war? If the political independence of some nation in Europe is assailed will it be regarded as a war or threat of war? Is there anything in article 10 that is not completely covered by article 11?

It remains complete, and with our representatives sitting in the council and the assembly, and with article 11 complete, and with the assembly and the council having jurisdiction of all matters touching the peace of the world, what more do you need to bind the United States if you assume that the United States is a Nation of honor?

We have said, Mr. President, that we would not send our troops abroad without the consent of Congress. Pass by now for a moment the legal proposition. If we create executive functions, the Executive will perform those functions without the authority of Congress. Pass that question by and go to the other question. Our members of the council are there. Our members of the assembly are there. Article 11 is complete, and it authorizes the league, a member of which is our representative, to deal with matters of peace and war, and the league through its council and its assembly deals with the matter, and our accredited representative joins with the others in deciding upon a certain course, which involves a question of sending troops. What will the Congress of the United States do? What right will it have left, except the bare technical right to refuse, which as a moral proposition it will not dare to exercise? Have we not been told day by day for the last nine months that the Senate of the United States, a coordinate part of the treaty-making power, should accept this league as it was written because the wise men sitting at Versailles had so written it, and has not every possible influence and every source of power in public opinion been organized and directed against the Senate to compel it to do that thing? How much stronger will be the moral compulsion upon the Congress of the United States when we ourselves have indorsed the proposition of sending our accredited representatives there to vote for us?

Ah, but you say that there must be unanimous consent, and that there is vast protection in unanimous consent.

I do not wish to speak disparagingly; but has not every division and dismemberment of every nation which has suffered dismemberment taken place by unanimous consent for the last 300 years? Did not Prussia and Austria and Russia by unanimous consent divide Poland? Did not the United States and Great Britain and Japan and Italy and France divide China and give Shantung to Japan? Was that not a unanimous decision? Close the doors upon the diplomats of Europe, let them sit in secret, give them the material to trade on, and there always will be unanimous consent.

How did Japan get unanimous consent? I want to say here, in my parting words upon this proposition, that I have no doubt the outrage upon China was quite as distasteful to the President of the United States as it is to me. But Japan said: "I will not sign your treaty unless you turn over to me Shantung, to be turned back at my discretion," and you know now Japan's discretion operates with reference to such things. And so, when we are in the league, and our accredited representatives are sitting at Geneva, and a question of great moment arises, Japan, or Russia, or Germany, or Great Britain will say, "Unless this matter is adjusted in this way I will depart from your league." It is the same thing, operating in the same way, only under a different date and under a little different circumstances.

Mr. President, if you have enough territory, if you have enough material, if you have enough subject peoples to trade upon and divide, there will be no difficulty about unanimous consent.

Do our Democratic friends ever expect any man to sit as a member of the council or as a member of the assembly equal in intellectual power and in standing before the world with that of our representative at Versailles? Do you expect a man to sit in the council who will have made more pledges, and I shall assume made them in sincerity, for self-determination and for the rights of small peoples, than had been made by our accredited representative? And yet, what became of it? The unanimous consent was obtained nevertheless.

But take another view of it. We are sending to the council one man. That one man represents 110,000,000 people.

Here, sitting in the Senate, we have two from every State in the Union, and over in the other House we have Representatives in accordance with population, and the responsibility is

spread out in accordance with our obligations to our constituency. But now we are transferring to one man the stupendous power of representing the sentiment and convictions of 110,000,000 people in tremendous questions which may involve the peace or may involve the war of the world.

However you view the question of unanimous consent, it does not protect us.

What is the result of all this? We are in the midst of all of the affairs of Europe. We have entangled ourselves with all European concerns. We have joined in alliance with all the European nations which have thus far joined the league, and all nations which may be admitted to the league. We are sitting there dabbling in their affairs and intermeddling in their concerns. In other words, Mr. President—and this comes to the question which is fundamental with me—we have forfeited and surrendered, once and for all, the great policy of "no entangling alliances" upon which the strength of this Republic has been founded for 150 years.

My friends of reservations, tell me where is the reservation in these articles which protects us against entangling alliances with Europe?

Those who are differing over reservations, tell me what one of them protects the doctrine laid down by the Father of his Country. That fundamental proposition is surrendered, and we are a part of the European turmoils and conflicts from the time we enter this league.

Let us not underestimate that. There has never been an hour since the Venezuelan difficulty that there has not been operating in this country, fed by domestic and foreign sources, a powerful propaganda for the destruction of the doctrine of no entangling alliances.

Lloyd-George is reported to have said just a few days before the conference met at Versailles that Great Britain could give up much, and would be willing to sacrifice much, to have America withdraw from that policy. That was one of the great objects of the entire conference at Versailles, so far as the foreign representatives were concerned. Clemenceau and Lloyd-George and others like them were willing to make any reasonable sacrifice which would draw America away from her isolation and into the internal affairs and concerns of Europe. This league of nations, with or without reservations, whatever else it does or does not do, does surrender and sacrifice that policy; and once having surrendered and become a part of the European concerns, where, my friends, are you going to stop?

You have put in here a reservation upon the Monroe doctrine. I think that, in so far as language could protect the Monroe doctrine, it has been protected. But as a practical proposition, as a working proposition, tell me candidly, as men familiar with the history of your country and of other countries, do you think that you can intermeddle in European in European affairs; and, secondly, never to permit Europe to

When Mr. Monroe wrote to Jefferson, he asked him his view upon the Monroe doctrine, and Mr. Jefferson said, in substance, our first and primary obligation should be never to interfere in European affairs; and, secondly, never to permit Europe to interfere in our affairs.

He understood, as every wise and practical man understands, that if we intermeddle in her affairs, if we help to adjust her conditions, inevitably and remorselessly Europe then will be carried into our affairs, in spite of anything you can write upon paper.

We can not protect the Monroe doctrine unless we protect the basic principle upon which it rests, and that is the Washington policy. I do not care how earnestly you may endeavor to do so, as a practical working proposition your league will come to the United States. Will you permit me to digress long enough to read a paragraph from a great French editor upon this particular phase of the matter, Mr. Stephen Lausanne, editor of *Le Matin*, of Paris?

When the executive council of the league of nations fixes "the reasonable limits of the armament of Peru"; when it shall demand information concerning the naval program of Brazil; when it shall tell Argentina what shall be the measure of the "contribution to the armed forces to protect the signatures of the social covenant"; when it shall demand the immediate registration of the treaty between the United States and Canada at the seat of the league, it will control, whether it will or no, the destinies of America. And when the American States shall be obliged to take a hand in every war or menace of war in Europe (art. 11), they will necessarily fall afoul of the fundamental principle laid down by Monroe, which was that Americans should never take part in a European war.

If the league takes in the world, then Europe must mix in the affairs of America; if only Europe is included, then America will violate of necessity her own doctrine by intermixing in the affairs of Europe.

If the league includes the affairs of the world, does it not include the affairs of all the world? Is there any limitation of the jurisdiction of the council or of the assembly upon the question

of peace or war? Does it not have now, under the reservations, the same as it had before, the power to deal with all matters of peace or war throughout the entire world? How shall you keep from meddling in the affairs of Europe or keep Europe from meddling in the affairs of America?

Mr. President, there is another and even a more commanding reason why I shall record my vote against this treaty. It imperils what I conceive to be the underlying, the very first principles of this Republic. It is in conflict with the right of our people to govern themselves free from all restraint, legal or moral, of foreign powers. It challenges every tenet of my political faith. If this faith were one of my own contriving, if I stood here to assert principles of government of my own evolving, I might well be charged with intolerable presumption, for we all recognize the ability of those who urge a different course. But I offer in justification of my course nothing of my own save the deep and abiding reverence I have for those whose policies I humbly but most ardently support. I claim no merit save fidelity to American principles and devotion to American ideals as they were wrought out from time to time by those who built the Republic and as they have been extended and maintained throughout these years. In opposing the treaty I do nothing more than decline to renounce and tear out of my life the sacred traditions which throughout 50 years have been translated into my whole intellectual and moral being. I will not, I can not, give up my belief that America must, not alone for the happiness of her own people, but for the moral guidance and greater contentment of the world, be permitted to live her own life. Next to the tie which binds a man to his God is the tie which binds a man to his country, and all schemes, all plans, however ambitious and fascinating they seem in their proposal, but which would embarrass or entangle and impede or shackle her sovereign will, which would compromise her freedom of action, I unhesitatingly put behind me.

Sir, since the debate opened months ago those of us who have stood against this proposition have been taunted many times with being little Americans. Leave us the word American, keep that in your presumptuous impeachment, and no taunt can disturb us, no gibe discompose our purposes. Call us little Americans if you will, but leave us the consolation and the pride which the term American, however modified, still imparts. Take away that term and though you should coin in telling phrase your highest eulogy we would hurl it back as common slander. We have been ridiculed because, forsooth, of our limited vision. Possibly that charge may be true. Who is there here that can read the future? Time, and time alone, unerring and remorseless, will give us each our proper place in the affections of our countrymen and in the esteem and commendation of those who are to come after us. We neither fear nor court her favor. But if our vision has been circumscribed it has at all times within its compass been clear and steady. We have sought nothing save the tranquillity of our own people and the honor and independence of our own Republic. No foreign flattery, no possible world glory and power have disturbed our poise or come between us and our devotion to the traditions which have made us a people or the policies which have made us a Nation, unselfish and commanding. If we have erred we have erred out of too much love for those things which from childhood you and we together have been taught to revere—yes, to defend even at the cost of limb and life. If we have erred it is because we have placed too high an estimate upon the wisdom of Washington and Jefferson, too exalted an opinion upon the patriotism of the sainted Lincoln. And blame us not therefore if we have, in our limited vision, seemed sometimes bitter and at all times uncompromising, for the things for which we have spoken, feebly spoken, the things which we have endeavored to defend, have been the things for which your fathers and our fathers were willing to die.

Senators, even in an hour so big with expectancy we should not close our eyes to the fact that democracy is something more, vastly more, than a mere form of government by which society is restrained into free and orderly life. It is a moral entity, a spiritual force, as well. And these are things which live only and alone in the atmosphere of liberty. The foundation upon which democracy rests is faith in the moral instincts of the people. Its ballot boxes, the franchise, its laws, and constitutions are but the outward manifestations of the deeper and more essential thing—a continuing trust in the moral purposes of the average man and woman. When this is lost or forfeited your outward forms, however democratic in terms, are a mockery. Force may find expression through institutions democratic in structure equal with the simple and more direct processes of a single supreme ruler. These distinguishing virtues of a real republic you can not commingle with the discordant and destructive forces of the Old World and still preserve them.

You can not yoke a government whose fundamental maxim is that of liberty to a government whose first law is that of force and hope to preserve the former. These things are in eternal war, and one must ultimately destroy the other. You may still keep for a time the outward form, you may still delude yourself, as others have done in the past, with appearances and symbols, but when you shall have committed this Republic to a scheme of world control based upon force, upon the combined military force of the four great nations of the world, you will have soon destroyed the atmosphere of freedom, of confidence in the self-governing capacity of the masses, in which alone a democracy may thrive. We may become one of the four dictators of the world, but we shall no longer be master of our own spirit. And what shall it profit us as a Nation if we shall go forth to the dominion of the earth and share with others the glory of world control and lose that fine sense of confidence in the people, the soul of democracy?

Look upon the scene as it is now presented. Behold the task we are to assume, and then contemplate the method by which we are to deal with this task. Is the method such as to address itself to a Government "conceived in liberty and dedicated to the proposition that all men are created equal"? When this league, this combination, is formed four great powers representing the dominant people will rule one-half of the inhabitants of the globe as subject peoples—rule by force, and we shall be a party to the rule of force. There is no other way by which you can keep people in subjection. You must either give them independence, recognize their rights as nations to live their own life and to set up their own form of government, or you must deny them these things by force. That is the scheme, the method proposed by the league. It proposes no other. We will in time become inured to its inhuman precepts and its soulless methods, strange as this doctrine now seems to a free people. If we stay with our contract, we will come in time to declare with our associates that force—force, the creed of the Prussian military oligarchy—is after all the true foundation upon which must rest all stable governments. Korea, despoiled and bleeding at every pore; India, sweltering in ignorance and burdened with inhuman taxes after more than a hundred years of dominant rule; Egypt, trapped and robbed of her birthright; Ireland, with 700 years of sacrifice for independence—this is the task, this is the atmosphere, and this is the creed in and under which we are to keep alive our belief in the moral purposes and self-governing capacity of the people, a belief without which the Republic must disintegrate and die. The maxim of liberty will soon give way to the rule of blood and iron. We have been pleading here for our Constitution. Conform this league, it has been said, to the technical terms of our charter, and all will be well. But I declare to you that we must go further and conform to those sentiments and passions for justice and freedom which are essential to the existence of democracy. You must respect not territorial boundaries, not territorial integrity, but you must respect and preserve the sentiments and passions for justice and for freedom which God in His infinite wisdom has planted so deep in the human heart that no form of tyranny however brutal, no persecution however prolonged, can wholly uproot and kill. Respect nationality, respect justice, respect freedom, and you may have some hope of peace, but not so if you make your standard the standard of tyrants and despots, the protection of real estate regardless of how it is obtained.

Sir, we are told that this treaty means peace. Even so, I would not pay the price. Would you purchase peace at the cost of any part of our independence? We could have had peace in 1776—the price was high, but we could have had it. James Otis, Sam Adams, Hancock, and Warren were surrounded by those who urged peace and British rule. All through that long and trying struggle, particularly when the clouds of adversity lowered upon the cause, there was a cry of peace—let us have peace. We could have had peace in 1860; Lincoln was counseled by men of great influence and accredited wisdom to let our brothers—and, thank Heaven, they are brothers—depart in peace. But the tender, loving Lincoln, bending under the fearful weight of impending civil war, an apostle of peace, refused to pay the price, and a reunited country will praise his name forever—more—bless it because he refused peace at the price of national honor and national integrity. Peace upon any other basis than national independence, peace purchased at the cost of any part of our national integrity, is fit only for slaves, and even when purchased at such a price it is a delusion, for it can not last.

But your treaty does not mean peace—far, very far, from it. If we are to judge the future by the past it means war. Is there any guaranty of peace other than the guaranty which comes of the control of the war-making power by the people? Yet what

great rule of democracy does the treaty leave unassailed? The people in whose keeping alone you can safely lodge the power of peace or war nowhere, at no time and in no place, have any voice in this scheme for world peace. Autocracy which has bathed the world in blood for centuries reigns supreme. Democracy is everywhere excluded. This, you say, means peace.

Can you hope for peace when love of country is disregarded in your scheme, when the spirit of nationality is rejected, even scoffed at? Yet what law of that moving and mysterious force does your treaty not deny? With a ruthlessness unparalleled your treaty in a dozen instances runs counter to the divine law of nationality. Peoples who speak the same language, kneel at the same ancestral tombs, moved by the same traditions, animated by a common hope, are torn asunder, broken in pieces, divided, and parceled out to antagonistic nations. And this you call justice. This, you cry, means peace. Peoples who have dreamed of independence, struggled and been patient, sacrificed and been hopeful, peoples who were told that through this peace conference they should realize the aspirations of centuries, have again had their hopes dashed to earth. One of the most striking and commanding figures in this war, soldier and statesman, turned away from the peace table at Versailles declaring to the world, "The promise of the new life, the victory of the great humane ideals for which the peoples have shed their blood and their treasure without stint, the fulfillment of their aspirations toward a new international order and a fairer and better world, are not written into the treaty." No; your treaty means injustice. It means slavery. It means war. And to all this you ask this Republic to become a party. You ask it to abandon the creed under which it has grown to power and accept the creed of autocracy, the creed of repression and force.

Mr. President, I turn from this scheme based upon force to another scheme, planned 143 years ago in old Independence Hall, in the city of Philadelphia, based upon liberty. I like it better. I have become so accustomed to believe in it that it is difficult for me to reject it out of hand. I have difficulty in subscribing to the new creed of oppression, the creed of dominant and subject peoples. I feel a reluctance to give up the belief that all men are created equal—the external principle in government that all governments derive their just powers from the consent of the governed. I can not get my consent to exchange the doctrine of George Washington for the doctrine of Frederick the Great translated into mendacious phrases of peace. I go back to that serene and masterful soul who pointed the way to power and glory for the new and then weak Republic, and whose teachings and admonitions even in our majesty and dominance we dare not disregard.

I know well the answer to my contention. It has been piped about of late from a thousand sources—venal sources, disloyal sources, sinister sources—that Washington's wisdom was of his day only and that his teachings are out of fashion—things long since sent to the scrap heap of history—that while he was great in character and noble in soul he was untrained in the arts of statecraft and unlearned in the science of government. The puny demagogue, the barren editor, the sterile professor now vie with each other in apologizing for the temporary and commonplace expedients which the Father of his Country felt constrained to adopt in building a republic!

What is the test of statesmanship? Is it the formation of theories, the utterance of abstract and incontrovertible truths, or is it the capacity and the power to give to a people that concrete thing called liberty, that vital and indispensable thing in human happiness called free institutions, and to establish over all and above all the blessed and eternal reign of order and law? If this be the test, where shall we find another whose name is entitled to be written beside the name of Washington? His judgment and poise in the hour of turmoil and peril, his courage and vision in times of adversity, his firm grasp of fundamental principles, his almost inspired power to penetrate the future and read there the result, the effect of policies, have never been excelled, if equaled, by any of the world's commonwealth builders. Peter the Great, William the Silent, and Cromwell the Protector, these and these alone perhaps are to be associated with his name as the builders of States and the founders of governments. But in exaltation of moral purpose, in the unselfish character of his work, in the durability of his policies, in the permanency of the institutions which he more than anyone else called into effect, his service to mankind stands out separate and apart in a class by itself. The works of these other great builders, where are they now? But the work of Washington is still the most potent influence for the advancement of civilization and the freedom of the race.

Reflect for a moment over his achievements. He led the Revolutionary Army to victory. He was the very first to suggest a union instead of a confederacy. He presided over and counseled with great wisdom the convention which framed the Constitution. He guided the Government through its first perilous years. He gave dignity and stability and honor to that which was looked upon by the world as a passing experiment, and finally, my friends, as his own peculiar and particular contribution to the happiness of his countrymen and to the cause of the Republic, he gave us his great foreign policy under which we have lived and prospered and strengthened for nearly a century and a half. This policy is the most sublime confirmation of his genius as a statesman. It was then, and it now is, an indispensable part of our whole scheme of government. It is to-day a vital, indispensable element in our entire plan, purpose, and mission as a nation. To abandon it is nothing less than a betrayal of the American people. I say betrayal deliberately, in view of the suffering and the sacrifice which will follow in the wake of such a course.

But under the stress and strain of these extraordinary days, when strong men are being swept down by the onrushing forces of disorder and change, when the most sacred things of life, the most cherished hopes of a Christian world seem to yield to the mad forces of discontent—just such days as Washington passed through when the mobs of Paris, wild with new liberty and drunk with power, challenged the established institutions of all the world, but his steadfast soul was unshaken—under these conditions come again we are about to abandon this policy so essential to our happiness and tranquillity as a people and our stability as a Government. No leader with his commanding influence and his unquailing courage stands forth to stem the current. But what no leader can or will do experience, bitter experience, and the people of this country in whose keeping, after all, thank God, is the Republic, will ultimately do. If we abandon his leadership and teachings, we will go back. We will return to this policy. Americanism shall not, can not, die. We may go back in sackcloth and ashes, but we will return to the faith of the fathers. America will live her own life. The independence of this Republic will have its defenders. Thousands have suffered and died for it, and their sons and daughters are not of the breed who will be betrayed into the hands of foreigners. The noble face of the Father of his Country, so familiar to every boy and girl, looking out from the walls of the Capitol in stern reproach, will call those who come here for public service to a reckoning. The people of our beloved country will finally speak, and we will return to the policy which we now abandon. America disenthralled and free in spite of all these things will continue her mission in the cause of peace, of freedom, and of civilization.

Mr. OWEN. Mr. President, I have listened with great respect, with great interest, with great pleasure to the beautiful oratory of the Senator from Idaho [Mr. BORAH]. I shall not take the time to point out what I regard as the several fundamental fallacies in the various points which he has made, but am compelled to say the arguments advanced are superficial and fallacious. I merely want to say that I deeply desire to see the treaty ratified with the covenant. I can not resist the feeling that the difficulty in arriving at an adjustment of this matter is due largely to pride on either side of the Chamber where the opinions of strong and able men are presented with great force, with great persistence, with great resolution. But the time has at last come when those who are truly and sincerely the friends of the treaty must see that it is necessary, if possible, to compromise their differences.

Mr. President, this great covenant of the league presents the hope and the aspiration of good men of all nations in the world, voiced in many conventions, throughout the world press, attempted to be worked out at The Hague in 1899 and 1907, when an effort was made to provide a means by which international differences should be settled, and urged by the great men of all parties and of all nations. In 1910 a wonderful speech was made by Theodore Roosevelt in his Nobel prize oration declaring for the principles which are now found written in this covenant. I have that address before me. It answers much of the argument which has been made against the covenant of the league which provides arbitration and conciliation, urges respect for the territory and the absolute sovereignty of nations within their own respective limits; urges the development at The Hague of conferences and international courts for the settlement of international differences; urges a species of world federation for international peace and justice; urges that something should be done to check the growth of armaments by international agreement; that the great powers of the world should find no insurmountable difficulty in reaching

an agreement that would put an end to the present costly and growing extravagance and expenditure on naval armaments. Finally he said:

It would be a master stroke if those great powers honestly bent on peace would form a league of peace, not only to keep the peace among themselves but to prevent, by force if necessary, its being broken by others.

That is precisely what this league proposes. Roosevelt concluded his speech with this prophetic remark:

The combination might at first be only to secure peace within certain definite limits and under certain definite conditions, but the ruler or the statesman who should bring about such a combination would earn his place in history for all time and his title to the gratitude of mankind.

I ask, without reading, to put the address into the Record.

The VICE PRESIDENT. Without objection, it is so ordered. The address referred to is as follows:

[From an address on "International Peace" before the Nobel Prize Committee, delivered at Christiania, Norway, May 5, 1910, by Theodore Roosevelt.]

(Italics are inserted to emphasize certain proposals.—R. L. O.)

Now, having freely admitted the limitations to our work and the qualifications to be borne in mind, I feel that I have the right to have my words taken seriously, when I point out where, in my judgment, great advance can be made in the cause of international peace. I speak as a practical man, and whatever I now advocate I actually tried to do when I was for the time being the head of a great Nation, and keenly jealous of its honor and interest. I ask other nations to do only what I should be glad to see my own Nation do.

The advance can be made along several lines. First of all, *there can be treaties of arbitration*. There are, of course, States so backward that a civilized community ought not to enter into an arbitration treaty with them, at least until we have gone much further than at present in securing some kind of international police action. But all really civilized communities should have effective arbitration treaties among themselves. I believe that these treaties can cover almost all questions liable to arise between such nations, if they are drawn with the explicit agreement that each contracting party will respect the other's territory and its absolute sovereignty within that territory, and the equally explicit agreement that (aside from the very rare cases where the nation's honor is vitally concerned) all other possible subjects of controversy will be submitted to arbitration. Such a treaty would insure peace unless one party deliberately violated it. Of course, as yet there is no adequate safeguard against such deliberate violation, but the establishment of a sufficient number of these treaties would go a long way toward creating a world opinion which would finally find expression in the provision of methods to forbid or punish any such violation.

Secondly, there is the further development of The Hague Tribunal, of the work of the conferences and courts at The Hague. It has been well said that the first Hague conference framed a Magna Charta for the nations; it set before us an ideal which has already to some extent been realized, and toward the full realization of which we can all steadily strive. The second conference made further progress; the third should do yet more. Meanwhile the American Government has more than once tentatively suggested methods for completing the court of arbitral justice, constituted at the second Hague conference, and for rendering it effective. It is earnestly to be hoped that the various Governments of Europe, working with those of America and of Asia, shall set themselves seriously to the task of devising some method which shall accomplish this result. If I may venture the suggestion, it would be well for the statesmen of the world, in planning for the erection of this world court, to study what has been done in the United States by the Supreme Court. I can not help thinking that the Constitution of the United States, notably in the establishment of the Supreme Court and in the methods adopted for securing peace and good relations among and between the different States, offers certain valuable analogies to what should be striven for in order to secure, through The Hague courts and conferences, a species of world federation for international peace and justice. There are, of course, fundamental differences between what the United States Constitution does and what we should even attempt at this time to secure at The Hague, but the methods adopted in the American Constitution to prevent hostilities between the States and to secure the supremacy of the Federal court in certain classes of cases are well worth the study of those who seek at The Hague to obtain the same results on a world scale.

In the third place, *something should be done as soon as possible to check the growth of armaments, especially naval armaments, by international agreement*. No one power could or should act by itself, for it is eminently undesirable, from the standpoint of the peace of righteousness, that a power which really does believe in peace should place itself at the mercy of some rival which may at bottom have no such belief and no intention of acting on it. But, granted sincerity of purpose, the great powers of the world should find no insurmountable difficulty in reaching an agreement which would put an end to the present costly and growing extravagance of expenditure on naval armaments. An agreement merely to limit the size of ships would have been very useful a few years ago, and would still be of use, but the agreement should go much further.

Finally, *it would be a master stroke if those great powers honestly bent on peace would form a league of peace, not only to keep the peace among themselves but to prevent, by force if necessary, its being broken by others*. The supreme difficulty in connection with developing the peace work of The Hague arises from the lack of any executive power, of any police power, to enforce the decrees of the court. In any community of any size the authority of the courts rests upon actual or potential force, on the existence of a police, or on the knowledge that the able-bodied men of the country are both ready and willing to see that the decrees of judicial and legislative bodies are put into effect. In new and wild communities where there is violence an honest man must protect himself, and, until other means of securing his safety are devised, it is both foolish and wicked to persuade him to surrender his arms while the men who are dangerous to the community retain theirs. He should not renounce the right to protect himself by his own efforts until the community is so organized that it can effectively relieve the individual of the duty of putting down violence. So it is with nations. Each nation must keep well prepared to defend itself until the establishment of some form of international police power, competent and willing

to prevent violence as between nations. As things are now, such power to command peace throughout the world could best be assured by some combination between those great nations which sincerely desire peace and have no thought themselves of committing aggressions. The combination might at first be only to secure peace within certain definite limits and certain definite conditions; but the ruler or statesman who should bring about such a combination would have earned his place in history for all time and his title to the gratitude of all mankind.

Mr. OWEN. Mr. President, the Democratic platform of 1916 enunciated similar principles. Without reading, I ask to have printed in the Record an extract from that platform.

The VICE PRESIDENT. Without objection, it is so ordered. The extract referred to is as follows:

INTERNATIONAL RELATIONS.

The Democratic administration has throughout the present war scrupulously and successfully held to the old paths of neutrality and to the peaceful pursuit of the legitimate objects of our national life which statesmen of all parties and creeds have prescribed for themselves in America since the beginning of our history. But the circumstances of the last two years have revealed necessities of international action which no former generation can have foreseen. We hold that it is the duty of the United States to use its power not only to make itself safe at home but also to make secure its just interests throughout the world, and, both for this end and in the interest of humanity, to assist the world in securing settled peace and justice. We believe that every people has the right to choose the sovereignty under which it shall live; that the small States of the world have a right to enjoy from other nations the same respect for their sovereignty and for their territorial integrity that great and powerful nations expect and insist upon; and that the world has a right to be free from every disturbance of its peace that has its origin in aggression or disregard of the rights of peoples and nations; and we believe that the time has come when it is the duty of the United States to join with the other nations of the world in any feasible association that will effectively serve those principles, to maintain inviolate the complete security of the highway of the seas for the common and unhindered use of all nations.

The present administration has consistently sought to act upon and realize in its conduct of the foreign affairs of the Nation the principle that should be the object of any association of the nations formed to secure the peace of the world and the maintenance of national and individual rights. It has followed the highest American traditions. It has preferred respect for the fundamental rights of smaller States even to property interests, and has secured the friendship of the people of such States for the United States by refusing to make a mere material interest an excuse for the assertion of our superior power against the dignity of their sovereign independence. It has regarded the lives of its citizens and the claims of humanity as of greater moment than material rights, and peace as the best basis for the just settlement of commercial claims. It has made the honor and ideals of the United States its standard alike in negotiation and action.

Mr. OWEN. The Senator from Massachusetts [Mr. Lodge] made a famous speech at Union College in which he argued strongly that the nations of the world must get together, as men would get together, for the preservation of peace. Nothing has happened since that time that justifies the change of opinion on the part of the Senator from Massachusetts who stands to-day regarded as opposed to the covenant of the league and determined to kill it by parliamentary maneuver.

Mr. President, many of these reservations I regard as harmless. To a number of them I can cheerfully agree, am willing to agree; but those which are destructive of the meaning of the treaty I should regard as injurious and undoing in part what has been accomplished at Paris and defeating the covenant under color of approving it.

Over in Paris were gathered together the leading men from all the nations of the world. In good faith for weeks and months they worked out this covenant in order to provide means of saving the world against the recurrence of the great World War which killed so many millions of men and maimed so many millions more; which cost unspeakable wealth, running into the hundreds of billions of dollars, raising the cost of living all over the world, causing famine and distress from one end of the earth to the other. Those chosen statesmen of the world did the best they could do to perfect this instrument. They have done well. It is a great instrument; the beginning of a greater instrument. The open door to world-wide democracy, world liberty, and world peace and prosperity.

After all the debate and all the discussion and all the partisan desire to find fault with this treaty of peace, not a single amendment could find the support of a majority in this Chamber. Other nations accepted it apparently without question. They did not raise the fine and technical points of skilled and trained lawyers against this word and that phrase in order to bring about distrust of this instrument.

There is one great difference, I think, between those who favor this league and those who are opposed to it. Those who favor this league believe in the common honesty and common sense of mankind, and they believe that when a question shall come before the council it will meet with the judgment of upright men, of learned men, of patriotic men, of God-fearing men, of men who love their fellow men, and who desire to promote the welfare of the world.

We have reached the point, Mr. President, where we are departing entirely from the ancient rule of autocracy and mili-

tary dynasties in the world to establish the rule of democracies. The rule of democracies is comparatively recent, as nations go. Democracy has grown up in the last hundred years, due to the printing press, due to freedom of the press, and to freedom of speech. Books by the million going everywhere throughout the world and teaching men the art of self-government; teaching men the art of liberty; teaching to all mankind the doctrines upon which our great Government was established. There is hardly a nation in the world now that has not now constitutional government based upon the conceptions upon which our own Government was founded.

Democracies are growing; autocracies are going. The Hohenzollerns, the Hapsburgs, the Bourbons, and the Romanoffs have been swept off the map by the blazing fires of war and in their place are arising new democracies—Poland, Czechoslovakia, Bohemia, Jugo-Slavia, all of them with their new constitutions, all of them democracies, all of them ready and willing and anxious to pledge their faith to the maintenance of democratic doctrines throughout the world. Even the mandates which are criticized so severely here are pledged, every one of them, to carry out the principles of liberty and to see to it that the interests and welfare of the backward peoples who are to be governed shall be the first consideration of the mandatory and of the league. We are moving forward along the line of democratic government throughout the world, along the line of liberty, along the line of justice; and on liberty and on justice the peace of the world will be based and world wars be obviated. But the world must also be prepared to use force where it is necessary in order to make effective those principles.

Mr. President, I intend to vote against this present resolution of ratification because it contains in itself that which seriously weakens the covenant and makes the possibility of war more likely and will, moreover, prevent the consummation of the treaty, because it is unfair to the Entente Allies. I do not believe there will be another Great World War with or without the league; but with this league, with 50 nations pledged to each other to preserve the territorial integrity of every member, there can be no serious danger in future of any extended war throughout the world.

Senators say there is war now; but the Great War between the Teutonic allies and the Entente Allies has been brought to a close. The flames are still burning in Europe in a comparatively small way; but, when this covenant of the league is established and the organized power of mankind is able to be exerted through the league, those smaller fires will be extinguished and the world will see a new era, an era of universal peace based upon liberty and justice.

Mr. President, in voting against this resolution of ratification I do so because I believe that the majority of this Chamber desire to have a covenant which will secure the peace and happiness of mankind and the protection of this country. I feel perfectly assured that there will be found in this body two-thirds of its Members who will be able to agree upon the ratification of this covenant and that the reservations can be agreed on that will be satisfactory to them. With that faith and with that hope, I shall vote against the pending resolution.

Mr. ASHURST. I call for the yeas and nays. I presume it is not necessary to call for the yeas and nays.

Mr. McCUMBER. Mr. President, I still have four short minutes of time to my credit, and in this treaty crisis—yes, in this world crisis—I feel it my duty to utilize that time to the last second in an earnest plea to the Members of the other side of the Chamber, who wish to ratify a treaty, that they stand by their convictions and refuse to be carried away by an idle spirit of vexation.

Will you have the courage to stand by your guns and fight this battle to an honorable and a successful conclusion, or will you retreat because you have suffered some minor reverses? Will you stand by your own ship and, though battered somewhat in this conflict, bring it into port, or will you scuttle your ship?

Every one of these reservations represents a compromise between conflicting opinions. You have known from the very beginning that reservations were necessary, and, with the possible exception of the preamble, these reservations are just as mild and inoffensive as could possibly be obtained and yet command enough votes on this side of the Chamber as, added to all you could muster on that side, would make the necessary two-thirds vote for ratification.

And, Mr. President, contrary to allegations, the heart has not been taken out of article 10. That article still reads:

The members of the league undertake to respect the territorial integrity and existing political independence of all members of the league.

That is both the heart and the soul of this article, a hundred-fold more effective than all the teeth you could put into it under the second clause relating to the guaranty by military power.

If the nations entering into that compact honorably keep that agreement, then there will never be any occasion for the second clause. If national honor is at such a low ebb as many of the opponents of this league seem to think and nations will not honorably keep their compact, then they will not honorably keep the second provision to furnish armies against a recalcitrant nation.

Again, article 12 remains. That article reads:

The members of the league agree that if there should arise any dispute likely to lead to a rupture they will submit the matter either to arbitration or to an inquiry by the council. And they agree in no case to resort to war until three months after the award by the arbitrators or the report by the council.

If the signatory nations keep that compact it will end war between them, because they must either submit their differences to an arbitration tribunal outside the league or to an investigation by the council. And this agreement will prevent war.

There is still left every sentence of article 15, which provides, first—

The council shall endeavor to effect a settlement of any dispute.

Time must be given for this. Second—

If the dispute is not settled the council * * * shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

The moment that disturbance is brought before the council there is turned upon the quarrel the light of the intelligence and moral sentiment of the whole world, and in that light truth will prevail and war will cease, because the people of no nation, when the truth is brought home to their heart and conscience, they will not allow their country to defy the moral sensibilities of the whole world.

The VICE PRESIDENT. The question is on the resolution of ratification. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CURTIS (when Mr. FALL's name was called). I desire to announce the unavoidable absence of the senior Senator from New Mexico [Mr. FALL]. Were he present, he has directed me to state, he would vote "nay."

Mr. KENDRICK (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. FALL], but I am informed that he would vote "nay" on this question, so I am at liberty to vote. I vote "nay."

The roll call resulted—yeas 39, nays 55, as follows:

YEAS—39.

Ball	Gore	McLean	Smoot
Calder	Hale	McNary	Spencer
Capper	Harding	Nelson	Sterling
Colt	Jones, Wash.	New	Sutherland
Cummins	Kellogg	Newberry	Townsend
Curtis	Kenyon	Page	Wadsworth
Dillingham	Keyes	Penrose	Walsh, Mass.
Edge	Lenroot	Phipps	Warren
Elkins	Lodge	Shields	Watson
Frelinghuysen	McCumber	Smith, Ga	

NAYS—55.

Ashurst	Harris	Moses	Sherman
Bankhead	Harrison	Myers	Simmons
Beckham	Henderson	Norris	Smith, Ariz.
Borah	Hitchcock	Nugent	Smith, Md.
Brandegee	Johnson, Calif.	Overman	Smith, S. C.
Chamberlain	Johnson, S. Dak.	Owen	Stanley
Culberson	Jones, N. Mex.	Phelan	Swanson
Dial	Kendrick	Pittman	Thomas
Fernald	King	Poindexter	Trammell
Fletcher	Kirby	Pomeroy	Underwood
France	Knox	Reed	Walsh, Mont.
Gay	La Follette	Robinson	Williams
Gerry	McCormick	Sheppard	Wolcott
Gronna	McKellar		

NOT VOTING—1.

Fall.

So the resolution of ratification was rejected, two-thirds of the Senators present not having voted in favor thereof.

Mr. REED. Mr. President, I move to reconsider the vote just taken.

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KENDRICK (when his name was called). Making the same announcement as to my pair, I withhold my vote.

The roll call having been concluded, it resulted—yeas 63, nays 30, as follows:

YEAS—63.

Ashurst	Edge	Johnson, S. Dak.	McKellar
Bankhead	Fletcher	Jones, N. Mex.	McLean
Beckham	Gay	Jones, Wash.	McNary
Capper	Gerry	Kellogg	Myers
Chamberlain	Gore	Kenyon	Nelson
Colt	Hale	Keyes	Nugent
Culberson	Harris	King	Overman
Curtis	Harrison	Kirby	Owen
Dial	Henderson	Lenroot	Phelan
Dillingham	Hitchcock	McCumber	Pittman

Pomerene
Ransdall
Reed
Robinson
Sheppard
Shields

Simmons
Smith, Ariz.
Smith, Ga.
Smith, Md.
Smith, S. C.
Smoot

Spencer
Stanley
Sterling
Swanson
Townsend
Trammell

Underwood
Walsh, Mass.
Walsh, Mont.
Williams
Wolcott

NAYS—30.

Ball
Borah
Brandegee
Caldor
Cummings
Elkins
Fernald
France

Frelinghuysen
Gronna
Harding
Johnson, Calif.
Knox
La Follette
Lodge
McCormick

Moses
New
Newberry
Norris
Page
Penrose
Phipps
Poindexter

Sherman
Sutherland
Thomas
Wadsworth
Warren
Watson

NOT VOTING—2.

Fall

Kendrick

The VICE PRESIDENT. On the motion to reconsider the vote whereby the resolution of ratification of the treaty of peace with Germany, with reservations, was rejected by the Senate, the yeas are 63 and the nays are 30. So the vote is reconsidered, and the treaty of peace with Germany is in the Committee of the Whole.

Mr. HITCHCOCK. Mr. President, I move that the Senate adjourn, and on that I ask the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KENDRICK (when his name was called). I make the same announcement as to my pair, and withhold my vote.

The roll call having been concluded, the result was announced—yeas 42, nays 51, as follows:

YEAS—42.

Ashurst
Bankhead
Beckham
Chamberlain
Culberson
Dial
Fletcher
Gay
Gerry
Harris
Harrison

Henderson
Hitchcock
Johnson, S. Dak.
Jones, N. Mex.
King
Kirby
McKellar
Myers
Nugent
Overman
Owen

Phelan
Pittman
Pomerene
Ransdell
Robinson
Sheppard
Simmons
Smith, Ariz.
Smith, Ga.
Smith, Md.
Smith, S. C.

Stanley
Swanson
Thomas
Trammell
Underwood
Walsh, Mass.
Walsh, Mont.
Williams
Wolcott

NAYS—51.

Ball
Borah
Brandegee
Caldor
Capper
Coff
Cummings
Curtis
Dillingham
Edge
Elkins
Fernald
France

Frelinghuysen
Gore
Gronna
Hale
Harding
Johnson, Calif.
Jones, Wash.
Kellogg
Kenyon
Keyes
Knox
La Follette
Lenroot

Lodge
McCormick
McCumber
McLean
McNary
Moses
Nelson
New
Newberry
Norris
Page
Penrose
Phipps

Poindexter
Reed
Sherman
Shields
Smoot
Spencer
Sterling
Sutherland
Townsend
Wadsworth
Warren
Watson

NOT VOTING—2.

Fall

Kendrick

So the Senate refused to adjourn.

Mr. HITCHCOCK. Mr. President, I offer the following reservations to the proposed resolution of ratification.

Mr. LODGE. Mr. President, I rise to a question of order.

Mr. HITCHCOCK. Will the Senator let me offer it?

Mr. LODGE. No; I rise to a question of order and I am entitled to be heard.

Mr. ASHURST. Mr. President, a point of order is not debatable under the last paragraph of Rule XXII.

Mr. LODGE. I am not debating it, but I can state it.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. LODGE. I respectfully make a point of order against the ruling of the Chair that the vote to reconsider takes the question back in Committee of the Whole. The motion to reconsider, unless by unanimous consent, can not possibly take the question beyond the stage of the vote at which it was reconsidered.

Mr. HITCHCOCK. I make a point of order—

Mr. LODGE. I respectfully appeal from the decision of the Chair.

Mr. HITCHCOCK. I make a point of order.

The VICE PRESIDENT. The Chair overrules the point of order of the Senator from Massachusetts.

Mr. LODGE. On that I appeal.

Mr. BRANDEGEE. I demand the yeas and nays on the appeal from the decision of the Chair.

The yeas and nays were ordered.

Several Senators addressed the Chair.

The VICE PRESIDENT. Unfortunately, these questions are not debatable. The Chair can not give his reasons and the Senator from Massachusetts can not give his.

Mr. POINDEXTER. Mr. President, a parliamentary inquiry. Is the appeal from the decision of the Chair debatable?

Mr. BRANDEGEE. Not under the rule.

The VICE PRESIDENT. Not under this rule of cloture. The rule says:

Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

Mr. BRANDEGEE. Will the Chair state what is the question?

The VICE PRESIDENT. It was the decision of the Chair that the vote whereby the rejection of the resolution of ratification was ordered puts the treaty back into the Committee of the Whole. The question is whether that shall be the decision of the Senate.

Mr. HITCHCOCK. Mr. President, a parliamentary inquiry. Has business intervened since the ruling of the Chair was made?

The VICE PRESIDENT. Not that the Chair would consider it, for this purpose.

Mr. LENROOT. Mr. President, I make a parliamentary inquiry. The question is, Shall the decision of the Chair be sustained?

The VICE PRESIDENT. That is it. Shall the decision of the Chair stand as the judgment of the Senate?

Mr. LODGE. Those who support the appeal will vote with me, "nay."

The VICE PRESIDENT. That is correct.

Mr. ROBINSON. I make the point of order that debate is out of order.

The VICE PRESIDENT. Senators ought to know how to vote without the Senator's advice.

Mr. BRANDEGEE and Mr. HITCHCOCK. Let the roll be called.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. KENDRICK (when his name was called). Making the same announcement of my pair as before, I withhold my vote.

The roll call having been concluded, the result was announced—yeas 42, nays 51, as follows:

YEAS—42.

Ashurst
Bankhead
Beckham
Chamberlain
Culberson
Dial
Fletcher
Gay
Gerry
Harris
Harrison

Henderson
Hitchcock
Johnson, S. Dak.
Jones, N. Mex.
King
Kirby
McKellar
Myers
Nugent
Overman
Owen

Phelan
Pittman
Pomerene
Ransdell
Robinson
Sheppard
Simmons
Smith, Ariz.
Smith, Ga.
Smith, Md.
Smith, S. C.

Stanley
Swanson
Thomas
Trammell
Underwood
Walsh, Mass.
Walsh, Mont.
Williams
Wolcott

NAYS—51.

Ball
Borah
Brandegee
Caldor
Capper
Coff
Cummings
Curtis
Dillingham
Edge
Elkins
Fernald
France

Frelinghuysen
Gore
Gronna
Hale
Harding
Johnson, Calif.
Jones, Wash.
Kellogg
Kenyon
Keyes
Knox
La Follette
Lenroot

Lodge
McCormick
McCumber
McLean
McNary
Moses
Nelson
New
Newberry
Norris
Page
Penrose
Phipps

Poindexter
Reed
Sherman
Shields
Smoot
Spencer
Sterling
Sutherland
Townsend
Wadsworth
Warren
Watson

NOT VOTING—2.

Fall

Kendrick

So the Senate did not sustain the decision of the Chair.

The VICE PRESIDENT. It appears that the Chair did not know the law.

Mr. HITCHCOCK. We are now still in the Senate and not in Committee of the Whole.

The VICE PRESIDENT. You are right where you were. You have decided that you are not where I thought you were.

Mr. HITCHCOCK. I offer the following resolution of ratification—

Mr. LENROOT. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Wisconsin will state it.

Mr. LENROOT. May I ask the Chair whether he has stated the question before the Senate now pending?

The VICE PRESIDENT. The Chair has stated nothing. The Chair was overruled by the Senate.

Mr. LENROOT. Is it not in order to state the question before the Senate?

The VICE PRESIDENT. There is not any question so far as the Chair knows. The Senator from Nebraska is about to present one.

Mr. LODGE. Am I mistaken in supposing that the question before the Senate is exactly what it was before the motion to reconsider was acted upon and that that question is the resolution of ratification?

Mr. ROBINSON. Mr. President, a point of order.

Mr. LODGE. I have a right to make a parliamentary inquiry.

Mr. ROBINSON. Certainly.

The VICE PRESIDENT. I suppose the Chair might as well state now as at any time that this parliamentary situation arises from the part of the rule of the Senate touching treaties which suffers and permits all questions, except the final vote, to be decided by a majority vote in derogation if not in violation of the Constitution of the United States. It would not have been here if we had adopted all that was agreed to by a two-thirds vote. Then we would have known where we were. The Chair believes that since the reconsideration of the vote, and so rules, that other amendments may be offered, or rather a resolution of ratification may be offered if the majority of the Senate so wants to proceed.

Mr. LENROOT. Mr. President, a parliamentary inquiry.

Mr. HITCHCOCK. I should like to have my question stated. There is nothing before the Senate.

Mr. LODGE. I am making the point of order that it is not in order.

Mr. HITCHCOCK. The Senator does not know what it is.

Mr. LODGE. No motion is in order now unless you are going to move to reconsider the previous vote.

Mr. HITCHCOCK. That has been carried. Then the motion is on my resolution.

Mr. LODGE. Then the motion is on my resolution.

Mr. HITCHCOCK. What is your resolution?

Mr. LODGE. To ratify the treaty with reservations.

Mr. LENROOT. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. LENROOT. Can anything be offered unless there is a question before the Senate?

The VICE PRESIDENT. It has to be offered in order to be a question before the Senate.

Mr. LENROOT. Can any amendment be offered to any proposition that is not before the Senate?

The VICE PRESIDENT. The Chair evidently has not been understood by the Senate. This, of course, is a question for the Senate to decide by a majority vote. The Chair has tried to express his opinion that other resolutions of ratification are now in order, or amendments to the present resolution of ratification are in order, or an unqualified resolution of ratification is now in order, or a motion to recommit the treaty to the Committee on Foreign Relations, a motion to table the treaty, or a motion indefinitely to postpone the treaty, or a motion to send it to the President with notice that the Senate will have nothing to do with it. That is what the Chair has been trying to express as the opinion of the Chair.

Mr. POINDEXTER. Mr. President, I desire to make a point of order.

The VICE PRESIDENT. What is the point of order?

Mr. POINDEXTER. The point of order is that Rule XXXVII, relating to the ratification of treaties, found in the middle of page 43 of the Senate rules, provides that:

The decisions thus made—

Referring to amendments or reservations—

shall be reduced to the form of a resolution of ratification, with or without amendments, as the case may be, which shall be proposed on a subsequent day, unless by unanimous consent, the Senate determine otherwise; at which stage no amendment shall be received, unless by unanimous consent.

The point of order is that under that rule the proceedings referred to having been had and having been reduced to a resolution of ratification, and that now being before the Senate upon the vote of the Senate for reconsideration, no amendments are in order under the express and explicit provisions of the rule.

The VICE PRESIDENT. Unfortunately, under the cloture rule, the Chair can not make an argument and a Senator can not argue the question. The Chair overrules the point of order.

Mr. LODGE. I appeal from the ruling of the Chair.

The VICE PRESIDENT. The Senator from Massachusetts appeals from the ruling of the Chair on the point of order. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. REED and Mr. LA FOLLETTE called for the yeas and nays.

Mr. ROBINSON. Mr. President, the resolution of the Senator from Nebraska has not been read.

Mr. LODGE. That does not make any difference.

Mr. LA FOLLETTE. It can not be read.

Mr. LODGE. It can not be read.

Mr. ROBINSON. I suggest that the resolution should be read before a point of order can be made to it.

Mr. LODGE. The point of order is not to it.

Mr. ROBINSON. I make the point of order that since the resolution of the Senator from Nebraska has been offered, it is the pending question, and before another point of order can be made that question must be disposed of, either by a point of order or a vote of the Senate. I ask that the resolution be read.

Mr. LODGE. A ruling has been made.

The VICE PRESIDENT. The Chair overrules the point of order, and will try to maintain good humor so that the question may be settled.

Mr. McCUMBER. Mr. President, at this time can I make a parliamentary inquiry?

The VICE PRESIDENT. The Chair thinks not. Let us vote on these questions. It is up to the majority of the Senate.

Mr. HITCHCOCK. Mr. President, will the Chair state the proposition?

Mr. BRANDEGEE. An appeal is pending now from the ruling of the Chair.

Mr. LA FOLLETTE. On that appeal, I ask for the yeas and nays.

The VICE PRESIDENT. The yeas and nays have been requested. Is there a second?

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KENDRICK (when his name was called). Making the same announcement as heretofore concerning my pair, I withhold my vote.

The roll call having been concluded, the result was announced—yeas 43, nays 50, as follows:

YEAS—43.

Ashurst	Henderson	Owen	Smith, S. C.
Bankhead	Hitchcock	Phelan	Stanley
Beckham	Johnson, S. Dak.	Pittman	Swanson
Chamberlain	Jones, N. Mex.	Pomerene	Thomas
Culberson	King	Ransdell	Trammell
Dial	Kirby	Robinson	Underwood
Fletcher	McCumber	Sheppard	Walsh, Mass.
Gay	McKellar	Simmons	Walsh, Mont.
Gerry	Myers	Smith, Ariz.	Williams
Harris	Nugent	Smith, Ga.	Wolcott
Harrison	Overman	Smith, Md.	

NAYS—50.

Ball	Frelinghuysen	Lodge	Reed
Borah	Gore	McCormick	Sherman
Brandegee	Gronna	McLean	Shields
Calder	Hale	McNary	Smoot
Capper	Harding	Moses	Spencer
Colt	Johnson, Calif.	Nelson	Sterling
Cummins	Jones, Wash.	New	Sutherland
Curtis	Kellogg	Newberry	Townsend
Dillingham	Kenyon	Norris	Wadsworth
Edge	Keyes	Page	Warren
Elkins	Knox	Penrose	Watson
Fernald	La Follette	Phipps	
France	Lenroot	Poindexter	

NOT VOTING—2.

Fall Kendrick

So the decision of the Chair was not sustained.

Mr. ROBINSON. Mr. President, I desire to submit a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. LODGE. Mr. President, before the inquiry is made, may I ask to have stated the question before the Senate?

Mr. ROBINSON. I desire to submit a parliamentary inquiry.

Mr. LODGE. Very well.

Mr. ROBINSON. Does the cloture rule of the Senate providing that points of order shall be determined without debate preclude the Presiding Officer of the Senate from stating the reasons for his decision? Does not that rule apply solely to the debates of the Senate? Is it applicable in any sense to the Presiding Officer? Is not the Presiding Officer at liberty in every deliberative assembly of the world and under the cloture rule of the Senate to state the reasons for his decision?

The VICE PRESIDENT. About other bodies the Chair does not know, but here the Chair thinks he has a perfect right to give the reasons for his decision. The Chair now recognizes the Senator from Massachusetts.

Mr. LODGE. I desire to ask that the Chair have the kindness to state the question now before the Senate.

The VICE PRESIDENT. The Chair understands that the Senate has decided that the resolution of ratification is before the Senate.

Mr. POINDEXTER and others called for the yeas and nays.

Mr. HITCHCOCK. Mr. President, the Senators on this side are ready to vote again, and they are ready to vote substantially as they did before—

Mr. LA FOLLETTE. Then let us vote.

Mr. HITCHCOCK. And we will vote without very much discussion.

SEVERAL SENATORS. Vote!

Mr. LA FOLLETTE. I ask for the yeas and nays.

Mr. PITTMAN. Mr. President, I am ready to vote, but I am going to relieve myself of some sentiments before I vote.

Mr. PENROSE. Regular order!

Mr. McCUMBER. Mr. President—

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from North Dakota?

Mr. McCUMBER. I was going to move an amendment, but if the Senator has the floor I will withhold it until he concludes.

Mr. PITTMAN. I will yield to the Senator for the purpose of offering an amendment, and will take the floor after that is disposed of.

Mr. McCUMBER. Mr. President, I desire to offer an amendment to the first reservation.

Mr. PITTMAN. I yield for that purpose.

Mr. POINDEXTER. I make a point of order against that, that it is out of order.

Mr. McCUMBER. I desire a ruling of the Chair as to whether I can offer the amendment.

Mr. POINDEXTER. The point of order is the same as that which I stated previously and which was ruled upon by the Chair and by the Senate upon an appeal from the decision of the Chair.

The VICE PRESIDENT. The Senator from North Dakota can offer it, at least. There is no great hurry now.

Mr. McCUMBER. Mr. President, before the vote is taken I offer the following amendment to reservation numbered 1: Strike out all after the word "ratification," on line 3, down to and including the word "Japan," on line 9.

Mr. POINDEXTER. Mr. President, I make the point of order—

Mr. KNOX. I rise to a parliamentary inquiry. Has the proposed amendment been proposed before and read?

Mr. McCUMBER. Oh, yes.

The VICE PRESIDENT. It has been proposed before and read.

Mr. LODGE. Mr. President, I make the point of order that under the decision of the Senate five minutes ago, the question before the Senate being the resolution of ratification, the Senate has just decided that amendments are not in order.

The VICE PRESIDENT. It takes three votes to satisfy the Chair. The Chair overrules the point of order.

Mr. POINDEXTER. I appeal from the decision of the Chair, and ask for the yeas and nays on the appeal.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is, Shall the ruling of the Chair stand as the judgment of the Senate? On that question the yeas and nays have been called for and ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. KENDRICK (when his name was called). Making the same announcement of my pair as heretofore, I withhold my vote.

The roll call having been concluded, the result was announced—yeas 43, nays 50, as follows:

YEAS—43.

Ashurst	Henderson	Owen	Smith, S. C.
Bankhead	Hitchcock	Phelan	Stanley
Beckham	Johnson, S. Dak.	Pittman	Swanson
Chamberlain	Jones, N. Mex.	Pomeroy	Thomas
Cullbertson	King	Ransdell	Trammell
Dial	Kirby	Robinson	Underwood
Fletcher	McCumber	Sheppard	Walsh, Mass.
Gay	McKellar	Simmons	Walsh, Mont.
Gerry	Myers	Smith, Ariz.	Williams
Harris	Nugent	Smith, Ga.	Wolcott
Harrison	Overman	Smith, Md.	

NAYS—50.

Bali	Frelinghuysen	Lodge	Reed
Borah	Gore	McCormick	Sherman
Brandegee	Gronna	McLean	Shields
Calder	Hale	McNary	Smoot
Capper	Harding	Moses	Spencer
Colt	Johnson, Calif.	Nelson	Sterling
Cummins	Jones, Wash.	New	Sutherland
Curtis	Kellogg	Newberry	Townsend
Dillingham	Kenyon	Norris	Wadsworth
Edge	Keyes	Page	Warren
Elkins	Knox	Penrose	Watson
Fernald	La Follette	Phipps	
France	Lenroot	Poinexter	

NOT VOTING—2.

Fall Kendrick

So the ruling of the Chair was not sustained.

Mr. McCUMBER. Mr. President, I move to reconsider the vote by which reservation No. 1 was adopted.

Mr. POINDEXTER. I call for the yeas and nays on that, Mr. President.

Mr. REED. The Senator from North Dakota can not do that.

Mr. BRANDEGEE. Mr. President, I inquire when reservation No. 1 was adopted?

The VICE PRESIDENT. The Chair does not know.

Mr. BRANDEGEE. The motion to reconsider must be made within two days, of course.

Mr. PENROSE. Mr. President, I raise the further point of order that the Senator from North Dakota did not vote for reservation No. 1, and therefore is not able to make the motion to reconsider.

The VICE PRESIDENT. The Chair, unfortunately, is not in possession of the record.

Mr. PENROSE. The charge seems to be admitted, so the case will be dropped.

Mr. ROBINSON. Mr. President, I address myself to the resolution.

The Senate is now proceeding in violation of all the precedents with which I am familiar and to which my attention has been called. After overwhelmingly defeating the resolution of the Senator from Massachusetts with reservations, the vote being 39 in favor of the resolution and 55 against it, the Senate, in disregard of its parliamentary precedents, well established throughout the history of the Senate, is now called upon to vote again upon the identical proposition that it defeated a few moments ago. If the decision upon the point of order be adhered to by the Senate, we may continue indefinitely to vote upon the resolution of the Senator from Massachusetts with the reservations agreed to by the majority.

Mr. LODGE. Mr. President—

Mr. ROBINSON. Indeed, Mr. President, if this situation be not relieved by a reversal of the action of the Senate respecting the point of order, the Senate never can reach an agreement concerning the treaty of peace.

I yield to the Senator from Massachusetts.

Mr. LODGE. The Senator is an excellent parliamentarian. He must know that no other motion to reconsider can be in order. It is set forth in Rule XIII.

Mr. ROBINSON. Mr. President, I have not yet stated the reasons for my assertion that the Senate is violating its precedents.

Mr. LODGE. I have them all here, if they will be of any service to the Senator.

Mr. ROBINSON. I do not question, no Senator has questioned, the propriety of a motion to reconsider; but I want to point out to the Senator from Massachusetts and to my colleagues that in all of the precedents with which I am familiar, the result of a motion to reconsider a resolution of ratification with amendments, when that motion to reconsider is agreed to by the Senate, is to restore the treaty to the Committee of the Whole and is to make admissible the consideration of other amendments or reservations than those embraced in the original resolution; and it is to that proposition that I desire to address myself.

Let me say that any other rule would be unreasonable. It is the policy of the rules of the Senate that we shall pursue a course which will enable this body to reach a decision. The effect of the erroneous decision imposed upon this body by a majority of the Senate a few moments ago is to deprive the Senate of the power to reach a decision.

Mr. President, I call attention to Crandall on Treaties, Their Making and Enforcement. At page 82, section 43, I find this expression:

Reconsideration by Senate: All motions in the Senate in the consideration of a treaty, except to postpone indefinitely and to give its final advice and consent to the ratification, both of which require a two-thirds vote, are decided by a majority.

A resolution advising the ratification of a treaty with amendments may fail to receive the required two-thirds vote, be reconsidered, and, with different amendments, be agreed to.

Mr. President, there are many decisions sustaining that proposition, which is the doctrine applicable to this case, the case being exactly in point.

I call attention first to a case reported in Ninth Executive Journal, at pages 306 and 312. In that case the Senate disagreed to a resolution of ratification embracing amendments. Subsequently that resolution was reconsidered, as the resolution of the Senator from Massachusetts has been reconsidered. In that case the Senate proceeded in the Committee of the Whole, after the reconsideration, to adopt other amendments, and to ratify the treaty.

Another precedent is found to the same effect at pages 139 and 144, Tenth Executive Journal. In that case the vote upon a resolution of ratification with amendments was 20 to 14, so the resolution was not agreed to.

Subsequently a motion to reconsider was made and carried. The treaty was then held to be in the Committee of the Whole and subject to amendment. It was amended, and, as reported,

at page 144 of the same book, the treaty was ratified with other amendments than those embraced in the original resolution of ratification.

I find another precedent in the Thirteenth Executive Journal, at pages 416 and 423.

Another in the Twenty-fourth Executive Journal, at pages 141 and 205.

Another in the Twenty-seventh Executive Journal, pages 469 and 470.

The last precedent which I wish to cite is contained in the Thirtieth Executive Journal, at pages 358, 359, 377, and 378. In all these cases, or in nearly all of them, I find language analogous to this:

The Senate proceeded to consider the motion submitted by Mr. Hill on the 13th instant, that the resolution of the Senate advising or consenting to the ratification of the convention concluded at the city of Buenos Aires, September 26, 1896, between the Governments of the United States and the Argentine Republic, providing for the extradition of criminals, with amendments, be reconsidered.

Thereupon the said convention was again considered as in Committee of the Whole and open to amendment.

That language is used practically in all the precedents.

So, Mr. President, whenever a resolution of ratification incorporating amendments or reservations has been defeated for lack of a two-thirds vote, and that vote has been reconsidered, the effect is not to bring before the Senate the resolution of ratification with the identical amendments, but it is to bring back into the Committee of the Whole the treaty open to amendment. The decision of the Chair was right. I ask the Senator from Massachusetts [Mr. Lodge] to cite his precedents in contradiction of the authorities which I have set forth. It is not a question, sir, of the right or propriety of reconsideration. It is a question as to the legal effect or result of carrying a motion to reconsider. Here we have the amazing spectacle of what we sometimes proudly call the greatest deliberative body in the world consuming month after month in the consideration of a treaty. A resolution of ratification incorporating reservations is proposed; it does not even command a majority of the Senate; it is defeated by a vote of 39 in favor of it to a vote of 55 against it; and yet the position of the leader of the majority, and those who support his contention, is to the effect that the Senate is powerless to vote on any question save that same old question, which I maintain has been determined.

The Senate as an institution of this Republic under the Constitution is entitled to an opportunity to ratify this treaty. Can it be maintained that a minority of the Senate can prevent our consideration of reservations when the resolution incorporating the reservations adopted by the majority have failed to receive, not only the necessary two-thirds vote for ratification, but have failed to receive a majority vote of the Senate? The sensible thing to do, Mr. President, is that which the rules and precedents of the Senate contemplate shall be done, the thing that the decision of the Vice President contemplates shall be done. The decision of the Senate, made a few moments ago in haste, has the effect of depriving the Senate of the opportunity of reaching an agreement on this very important subject.

Mr. LENROOT. Mr. President, I am familiar with all of the precedents read by the Senator from Arkansas, and I do not think the Senator from Arkansas stated to the Senate the fact that in every case he cited the action was taken by unanimous consent. The Senate, of course, can always do anything that it chooses by unanimous consent.

Mr. ROBINSON. Mr. President—

Mr. LENROOT. I do not yield.

Mr. ROBINSON. Will the Senator not yield?

Mr. LENROOT. I do not yield, because my time is nearly gone.

Mr. ROBINSON. Very well; but the Senator has misquoted me.

Mr. LENROOT. The Senate can do anything it chooses by unanimous consent. Let me cite just one precedent of a reconsideration.

Mr. Hale moved that the resolution be reconsidered February 26, 1864.

On motion of Mr. Sumner, the Senate proceeded to consider the motion submitted by Mr. Hale on the 28th instant, which was agreed to. The question recurring on the said resolution of ratification, it was determined in the affirmative.

With all due respect to the Chair, I say there is nothing more elementary in parliamentary law than that when a motion to reconsider prevails it brings the question back to exactly the stage in which it was immediately before the vote was taken. The question as put by the Chair was, Shall the resolution of ratification be adopted? The question properly before the Senate was that question, and not others, and the Senate was entirely correct in overruling the Chair as it did.

There is a way by which they can get back to these various reservations, of course, but they can not do it by violating elementary principles of parliamentary law, and nothing is more elementary, as I am sure the Senator from Arkansas must know, because he is a good parliamentarian, than that a vote to reconsider brings the question back to exactly where it was before the vote was taken, and if there is anything prior to that that it is determined to change, a reconsideration must be had of each question by itself.

Mr. UNDERWOOD. Mr. President, I did not intend to detain the Senate, but we have reached a point in the most important business that confronts the people of the United States where I believe we might as well have a clear understanding of the position on each side of this Chamber, and I propose to try to interpret what that position is.

More than a year ago the American soldiers won peace on the battle fields of Europe. For more than a year the American people have been demanding that the victories won in Europe should be written on the books of the world, and that the peace of the world should be proclaimed.

The President of the United States has negotiated a treaty of peace. Twenty-six nations sat at the peace table. It is idle for any man to assume that the contract made at that peace table was not a question of compromise and could not in itself reflect the entire sentiment of any nation which signed the contract.

The American people are not deceived in reference to that question. But they do demand peace. They demand peace at the hands of the Senate of the United States, and since the month of May, nearly six months ago, a treaty of peace has been pending before this Chamber.

This side of the Chamber is not responsible to the country for the action that the Senate will take. The majority rests in the hands of the Republican Party. The Republican Party is responsible to the people of the United States for the peace of the Nation, and what a spectacle is presented to the country to-night as to the way the Republican Party is exercising the power intrusted to it by the people of the United States.

After months of debate, months of delay, the majority party has presented to the Senate a resolution of partial ratification of the treaty of peace, a resolution proposing certain reservations that, as the President of the United States himself has said, is a nullification of this treaty and not a ratification. With what result? The resolution comes before the Senate of the United States for final action, and is defeated by a vote of 55 to 39. Although the resolution requires a two-thirds vote, under the Constitution of the United States, for its ratification, it commands but little over a third of the membership of this body in favor of its adoption.

It may be said that some gentlemen in this Chamber have voted against the ratification resolution for one reason and some have voted against it for another, but the makers of the Constitution were so careful that a treaty should reflect the mature sentiment of the people of the United States that they required that its ratification should receive the vote of two-thirds of the membership of this body.

But here, after months and months of struggle, the final resolution comes before us and commands but little over one-third of the membership of this body, a large majority defeating this attempted exercise of power. The vote of the Senate has been a repudiation of the exercise of power by the other side of the Chamber, and with what result? One would think that the gravity of the situation is so great that when the leadership that were entitled to control the situation found that they could not command a majority vote, that they had been discredited in their own house, they would at least have allowed those in opposition who commanded a majority to make a proposal to the country.

That is true in every other legislative body in the world. Is there a legislative body in the world where the leadership finds that it has lost control of the majority that it does not recognize that the new majority has its right to make its proposal and submit its proposal to the electorate of the legislative body?

Mr. McCORMICK. Will the Senator yield for a question?

Mr. UNDERWOOD. I yield.

Mr. McCORMICK. Is there any other democracy in the world in which the executive has been repudiated at an election of the people where it does not surrender its power?

Mr. UNDERWOOD. That is just about the class of answer that we have gotten in reference to this treaty all along the line. How far does the question of the Senator from Illinois answer the question that is before the Senate? He knows as well as I do that the President of the United States is elected for four years. He knows as well as I do that the President himself was not an issue, but it was the control of the legislative

branches of Congress, and he assumes, because the people elected a Republican majority in the two Houses of Congress, that they have repudiated the President of the United States.

I am not going into that argument. If the Senator from Illinois wishes to theorize on that question, he may do so; but it is just about as clear as any answer that has been made to the propositions which have been pending before the Senate in reference to the ratification of the treaty.

Mr. President, where are we coming to in this matter? As I said a moment ago, it makes no difference what the reason is; it makes no difference why I voted against the Lodge resolution and why the Senator from Illinois voted against the Lodge resolution, as I think he did. The former majority lost control of this Chamber, and yet, after losing control, it being clearly demonstrated that they not only could not command the constitutional majority of two-thirds but that they could not even command a bare majority, and they stood here defeated by 16 majority; and then through parliamentary license they move to reconsider for the purpose of bringing a repudiated and defeated resolution again before the Senate.

For what purpose? For the purpose of idling away the time of the country, for the purpose of playing football with the greatest problem that confronts the American people, or perchance was it for the purpose of trying to drive an unwilling majority to accept the dictates of a small minority? That is the problem. Is that what you are trying to do? Are you trying to coerce the Senators on this side who voted against the Lodge resolution to vote for it? Are you trying to coerce the Senators on this side of the Chamber who voted for the Lodge resolution to ratify under the pretense that if they do not vote for ratification the treaty of peace is repudiated?

Ah, Mr. President, let a great political party—and the Republican Party has been a great party in this country—go before the country with a simulated issue of that kind, and there is no question as to what will be the verdict of the American people on their action. The will of the majority in this Chamber is entitled to honest recognition and is not getting it. It is not given an opportunity to honestly register its verdict, and it is entitled to do so.

Where is the proposal of the leader of the majority carrying us? Repudiated on the floor of the Senate, he by parliamentary tactics is bringing us back again to the same vote on his repudiated resolution. Does he think for one moment that he can drive Senators into accepting a resolution of nullification, a resolution that could not mean anything but delay if adopted, because nobody can know better than the proponent of the resolution that after the reading of the President's letter which the Senator sent to the desk to-day, if his resolution were adopted the President would be compelled to refuse to accept the action of the Senate; and nobody knows better than the proponent of this resolution that if the President of the United States accepted it and sent it back to Paris it would not be recognized or accepted.

We in this resolution repudiate the contract of other nations and then compel them to accept that repudiation in order that we can obtain peace. In other words, the proponents of this resolution propose to force an unwilling majority here to accept their terms of peace, and then, with that supreme ego that is unequalled anywhere that I have ever seen under God's canopy, they propose to force the balance of the world to repudiate its contract in order that the United States of America and its people may have peace. The position is absurd. It is untenable. It could not be maintained before any people on God's footstool.

Mr. President, we might as well recognize this proposition and look it in the face. The men who voted against the resolution of the Senator from Massachusetts [Mr. Lodge] on this side of the Chamber, possibly with one or two exceptions, have been from the very beginning in favor of peace, in favor of the ratification of the treaty of peace.

It was not many months ago when most of the men who proposed this legislation from the Committee on Foreign Relations had signed a round robin repudiating the action of the President of the United States and saying that he could not get peace on those terms. They had a perfect right to express their views, and they did so. But they can not conceal that their purpose is to defeat the treaty, and not to ratify it. If they wanted to defeat the treaty, no one criticized them for making the attempt, but where the criticism does lie, and legitimately lies, is when they ignominiously failed in their attempt to pass their resolution that they should now try to shackle the hands of the Senate and prevent action by a real majority of the Senate that would look to the consummation of a real treaty of peace.

There can be no doubt that Senators on this side of the Chamber who repudiated that resolution two hours ago would be unworthy to bear the name of Senators if they do not repudiate it again when it comes before the Senate, and I have no doubt that they will. Their votes alone are enough to defeat it, but I do not doubt either that the men on the other side of the Chamber who voted hold the same convictions now that they did two hours ago and will vote the same way, which means the repudiation again of the resolution. That situation lies ahead of us as soon as this debate is closed.

Then what is the position that confronts us? We shall maintain that we are entitled to offer other resolutions of ratification, other proposals. The Chair has already ruled, and correctly ruled, that we have a right to do so, but a majority have destroyed his ruling. Where we are coming to when this resolution is voted down again is to face the fact as to whether a partisan majority which can be controlled to vote affirmatively on its own measure intends to destroy the treaty of peace by an indirect measure, to say to the Senate, "You shall ratify the treaty of peace as we, the minority, command you, or it shall not be ratified at all; that we will defeat peace."

That is the issue, and so far as I am concerned for one I am perfectly willing to meet it. I am not fearful that it will be misunderstood by the American people.

I am not fearful that it will be misunderstood by the American people. They know who stand for the ratification of this treaty of peace, and they know who wish to destroy it. When the final vote on the resolution of the Senator from Massachusetts [Mr. Lodge] comes and is defeated, then we have merely been indulging in child's play and must take up the real resolution that may ultimately result in the ratification of the treaty, or the Senator from Massachusetts must introduce a resolution informing the President that the Senate will take no further action in this matter and send him back the treaty. Do that if you will, but do not think for one moment when you attempt to send this treaty back to the President or adjourn without action on it that the country is going to misunderstand who are in favor of the ratification of the treaty and who are opposed to it. Do not think for one moment that you can fool the great business interests of this country, which are crying and pleading for peace; do not think for one moment that you can fool the toiling masses of America who are crying and pleading for peace. If you want peace, there is but one way to get peace, and that is to keep this treaty before the Senate until we can secure, in one way or another, fairly and justly a vote for its ratification. You can not accomplish that by choking off the consideration of the treaty and continuing to force before this body a resolution that has been repudiated by a majority of 16 within the afternoon.

Mr. HARDING. Mr. President, I have been content to allow the final disposition of the pending measure without any further remarks, but I could not well be content to permit the statement of the Senator from Alabama [Mr. UNDERWOOD] to go unchallenged. I quite agree with him that no one can fool the country; and, in order that we may make the situation clear to the country to-night, when all of the United States is watching the action of this body no less intently than are those who honor us with their presence, and when all the world is watching to see what this great Republic will do, I am in favor of doing what may be expressed in a well-understood sporting term as "laying all the cards on the table, face up."

We have been witnesses, Senators, to many months of discussion and debate and delay in dealing with this treaty; and it ill becomes any Senator of the minority to say that there has been no opportunity for compromise or accommodation or adjustment. I was personally a witness to the long-drawn-out discussion of reservations in the Foreign Relations Committee when we sought in a more intimate study of the treaty to accommodate our differences there, because there was not a Member of the Senate and there was but one man in the United States of America who did not know that this treaty could never be ratified without reservations. With that perfectly plain understanding of the situation, the committee set itself to work out reservations which would safeguard the interests of the United States of America and make ratification possible.

I speak, Mr. President, for one who has maintained that position. I have not liked this treaty; I think, as originally negotiated, it is the colossal blunder of all time; but, recognizing the aspirations of our own people and the people of the world to do something toward international cooperation for the promotion and preservation of peace and a more intimate and better understanding between nations, I have wished to make it possible to accept this covenant. I could, however, no more vote to ratify this treaty without reservations which make sure

America's independence of action, which make sure the preservation of American traditions, which make sure and certain our freedom in choosing our course of action, than I could participate in a knowing betrayal of this Republic.

Mr. President, in letting the public understand let us review the situation. In the Senate there are four distinct schools of thought in dealing with this treaty: One is the unconditional-ratification school, those who either through their own conscientious convictions or the lash of the Executive—choose as you will—want this treaty ratified without a single modification or reservation. That is group No. 1. In direct opposition is the so-called irreconcilable group, those who are unalterably opposed to any ratification. That is group 2. The third is the group, to which I choose to belong, if I may, who are agreed to bring about the ratification of this treaty if they are convinced that reservations have been adopted which are sufficient to safeguard the interests of the United States of America. There still remains another group—or, rather, a group within a group—popularly known as the "mild reservationists," those who are anxious to ratify, who are anxious to safeguard the interests of this Republic, but at the same time desire to make the reservations as little offensive as possible to those who assumed to negotiate the treaty in contempt of the Senate.

We have had the four groups to deal with; and in the progress of the debate and after much discussion we have finally come to an understanding on this side alone—because on the other side there were those who took the position that there could be no reservations at all—and have accommodated our differences to the extent that the majority has agreed upon a program of reservations.

The Senator from Alabama, Mr. President, who is himself, if I remember correctly, an advocate of cloture and a strong advocate of the policy of the majority doing business, makes a rather doubtful statement when he challenges the ability of the majority to do business in this Chamber, because again and again the majority has demonstrated its determination to support the reservations reported to this body. That is why they are added to the resolution. If a man is the advocate of the majority in a legislative body performing its functions, he must accept the dictum of the majority of this body.

That leads me, if you please, to indulge in a little reflection. The whole trouble with the treaty, Senators, is that it was negotiated upon a misunderstanding upon the part of the Executive. No one doubts for a moment that the President, in that disregard for the Senate which grew out of war conditions, in that little consideration for this body which followed a state of submergence, undertook to negotiate a treaty, which was his towering ambition, notwithstanding he knew the opposition of a majority and in defiance of the expressed wish or the expressed opinion of a sufficient number to defeat ratification, under the Executive impression that no modification or alteration could be effected except by a two-thirds majority vote of the Senate.

Mr. McCORMICK. And he so stated.

Mr. HARDING. He himself not only so stated, but those who have been students of the whole negotiation and the aftermath have clearly seen that the Executive proceeded on that theory. But it develops, Mr. President, that there is still a United States Senate and a majority, of course, in the Senate which is determined to reassert itself.

It was all right, Senators, to submerge ourselves as members of the Government commissioned by the people, as we did submerge ourselves during the period of the war; I was a participant in the submergence; but when the war ended and the greatest document in importance ever negotiated in the world came to this body for consideration, then it was becoming, indeed, for the United States Senate again to assume its constitutional authority.

It is in that assumption of authority that Senators on this side in the majority—not all in accord, let it be said, but Senators on this side in the majority—determined, with practical unanimity, that there could be no ratification without ample American reservations.

The members of the minority have known of the processes employed in framing the reservations. There have been weeks and months of opportunity to accommodate any differences and to meet us on common ground and negotiate acceptable reservations; but, in spite of that existent opportunity and in spite of the waste of time, when you on the other side have been clamoring about delay, never a single effort has been made until the majority has demonstrated its determination to submit reservations which must be accepted.

Now, you who talk about peace—though our attitude in dealing with the treaty, which dealing has little to do with the

peace already established—you who are anxious to get this document out of the way, why not recognize a situation that can not possibly be changed?

We are content to give you your league of nations, doubtful as we are about the wisdom of the great experiment. We recognize that we are not giving it to you in the fullness of the ambitions of the Chief Executive who negotiated it; we realize and regret that it must be reported to the nations of the world with something very much akin to humiliation. That is not the fault of the Senate; that is the fault of him who negotiated it without recognizing that there is a Senate. It is a very great misfortune, and I am sorry about it; but I tell you, Senators, the independence of action and the preserved inheritance of this Republic are infinitely more important than the wounded feelings of him who negotiated it without admitting the existence of the Senate. So we in the majority are agreed to preserve American freedom of action and enter upon a league of nations, a league with such reservations that leave us our choice of action, the exercise of American conscience, the determination to do that which we think is our part in the promotion and preservation of civilization and peace without the surrender of things essentially American.

If this ratification is made with the reservations which have been adopted, there remains the skeleton of a league on which the United States can, if it deems it prudent, proceed in deliberation and calm reflection toward the building of an international relationship which shall be effective in the future.

The trouble with the whole league covenant is that it was hastily negotiated to be made the foundation of a treaty of peace, when there ought to have been a treaty of peace negotiated with a league of nations created in the deliberate aftermath.

Under these circumstances, recognizing conditions, without discussing the partisan phase of it or any political advantage, we have this arrangement, and we must meet it as it exists; and those on the majority side, those against it irreconcilably, and those for the league want these reservations to go to the nations of the Old World to assert and make certain America's freedom of action in the future, and leave a semblance of a league on which to build.

If those on the other side of the Chamber are agreed to accept such a thing as that, well and good. If you are determined that a minority of the Senate shall follow the same blind insistence that characterized the action of the Executive in negotiating, I warn you now, you are certain to go to defeat; and if I can speak for one, in accepting the challenge of the Senator from Alabama, I welcome the moment when we can go to the people of the United States on the issue as to who is responsible therefor.

I know, Mr. President, that in this covenant we have originally bartered American independence in order to create a league. We have traded away America's freedom of action in order to establish a supergovernment of the world, and it was never intended to be any less. I speak for one who is old-fashioned enough to believe that the Government of the United States of America is good enough for me. In speaking my reverence for the Government of the United States of America, Senators, I want the preservation of those coordinate branches of government which were conceived and instituted by the fathers; and if there is nothing else significant in the action of this day, you can tell to the people of the United States of America and to the world that the Senate of the United States has once more reasserted its authority, and representative government abides.

Mr. UNDERWOOD. Mr. President, I always enjoy listening to the Senator from Ohio. He is always a delightful speaker, plausible in his arguments, and most plausible to-night; but there are two things that I want the RECORD to show and have emphasized.

The Senator from Ohio insists that he and his side represent a majority of the Senate, because they commanded a majority in favor of certain reservations or amendments to the treaty of peace that he admits, and the RECORD clearly shows, were defeated by a majority of 16 votes when they came to be registered as the action of the Senate. Why, the Senator might as well contend, because he had offered 14 amendments to a pending bill, and his amendments had received a majority vote, although the bill itself as amended had been defeated by the Senate, that his side commanded a majority of the Senate.

On the question as to whether this treaty should be ratified unconditionally or ratified with reservations, some of us in the Senate are in favor of unconditional rejection, some of us are in favor of unconditional ratification, some of us are in favor of ratification with amendments or reservations; but that is not the issue that is presented to the American people. I should have welcomed an opportunity to vote on unconditional ratification; and if I had had the opportunity, and it was de-

fented, I should have been glad to join with my brother Senators in securing some other way and some other method of writing the peace treaty of the world. But when the proposal of the writers of these reservations is rejected, not by the constitutional majority but by an actual majority of the Senate, it is idle to say that they represent a majority of this body, and that if they can not have their way they are going to destroy the treaty.

Now, that is the issue. That is the issue. If you can not have your way, if you are defeated again—

Mr. HARDING. Mr. President, will the Senator permit an interruption?

Mr. UNDERWOOD. Surely.

Mr. HARDING. Take it out of my time if you like. Is not the converse true, that if a minority can not have the reservations that it wants, it is going to defeat the treaty?

Mr. UNDERWOOD. It has not done so yet.

Mr. HARDING. But it voted that way.

Mr. UNDERWOOD. Well, it voted its convictions. Suppose it did, that does not mean that the minority is not willing to stay here and do business, and I understand it is announced that the other side of the Chamber will not stay here and do business; that if they can not succeed, they are going to adjourn the Senate to-morrow and tell the country that they can not have a treaty of peace.

I say that if the majority party in this Chamber seeks to adjourn the Senate after it is defeated by a majority of the Senate in its proposal, without staying here and making further attempts to write a treaty of peace, it and it alone is responsible for the condition in which the country finds itself.

Mr. LODGE. Mr. President, will the Senator allow me to interrupt him for just a moment?

Mr. UNDERWOOD. Surely.

Mr. LODGE. I merely want to relieve the Senator's mind from one anxiety. There will be no adjournment sine die, there will not even be an adjournment, if I can help it, until we vote upon the treaty again.

Mr. UNDERWOOD. I am delighted to hear that news. It relieves my spirit, because I do think we should write a treaty of peace.

Mr. LODGE. I said until we had voted on it again.

Mr. UNDERWOOD. Oh, well—

Mr. LODGE. When we vote on it again—be under no misapprehension—it is final. You can not make another motion to reconsider.

Mr. UNDERWOOD. Of course, I know that is the interpretation of the Senator, and that is what I said I understood—that he was going to put the treaty of peace before us. In all human probability it will not command an actual majority, much less a two-thirds majority, and then he is going to insist that the proposal of a minority that can not control a majority of this body shall be accepted as the final defeat of the treaty of peace of the world.

Mr. LODGE. I advise the Senator to read Rule XIII upon reconsideration.

Mr. UNDERWOOD. Oh, well, I am not engaged in discussing technical points of parliamentary law. I have no doubt the Vice President was correct in his ruling and that we can proceed, but the Senator knows that if he claims that this treaty is rejected it is his duty to notify the President—send it to the President—and when he does, if he gives the President a chance, it will be sent back here, and the peace of the world will not be stopped. The fact is that there are men in this Chamber who desire, through one method or another, to say that the treaty of Versailles shall never, in any form, become the law of the world.

Now, just one more word.

My good friend from Ohio a while ago described so accurately what has been done with the treaty of peace and the league of nations that I just want to emphasize it to the Senate. He stated that they had adopted a number of reservations, that according to his lights they had improved the treaty, and then he said, "But they left a skeleton of the league of nations for the benefit of the world." A skeleton of the league of nations. A skeleton is a dead man. They left a dead league of nations for the world to function under.

Mr. PITTMAN. Mr. President, while I have always believed that the treaty, particularly that part embracing the covenant of the league, carried with it practically all of the interpretations that were offered by the group referred to by the Senator from Ohio as the mild reservationists, I have never brought myself to the point where I would oppose this treaty, if there were reasonable reservations incorporated in the resolution of ratification. The only question that appeals to my mind to-night is this: Are there reservations included in the resolution of

ratification that will not be accepted by those Governments that must accept those reservations to make our participation under the treaty legal?

The Senator from North Dakota [Mr. McCUMBER] has stated on the floor that in his opinion Great Britain, France, and Italy can not in honor accept the committee reservation with regard to Shantung. Are there other Senators on that side who agree with the Senator from North Dakota? If so, then those Senators can not sincerely vote for this resolution of ratification, if they are in favor of the ratification of the treaty. Surely they do not desire to consummate an act that, while it will not kill the treaty to-night, will result in the death of the treaty two months or three months hence.

Those are the questions. We on this side who favor this treaty have not asked you to make any violent changes in your reservations, have we? We have asked you to make reasonable reservations, and we ask you now not to make any unnecessary reservations that will threaten the acceptance of this treaty by those Governments whose acceptance is necessary.

The Senator from North Dakota [Mr. McCUMBER], who has just been referred to by the Senator from Ohio [Mr. HARDING] as one of the most sincere advocates of this treaty, the other day begged the Members on his side of the Chamber who favor this treaty not to force this Shantung reservation upon the treaty. He went further than that. He has tried time and time again to persuade the Members on his side not to require the formal acceptance of these reservations by Great Britain, France, England, and Japan. Why? Because he believed that such requirement in the resolution of ratification endangered the acceptance of our reservations.

But it appears that those on the other side who are pretending to be for this treaty are more interested in the political situation than they are in the warnings that have been given to them by the Senator from North Dakota. I want to read what the Senator from North Dakota said about this Shantung amendment. I am reading from the RECORD of November 15. He said this:

Mr. President, I desire to address my remarks mainly to those Senators who really want a treaty, and a treaty that would be agreed to by the other nations. While I regret that it is just at the lunch hour, and I can not have those Senators present while that feature of the case is being presented, I feel it my duty to present it before this proposed reservation is voted upon.

We, of course, know that any change in the Shantung provision will eliminate Japan. Knowing that, we voted by a very large majority that we would not make the treaty dependent upon Japan agreeing to any of these reservations; but we did make it incumbent upon Great Britain, France, and Italy, by an exchange of notes, to agree to them. Now, Mr. President, are we sure that we are not by this reservation making it almost impossible, if not absolutely impossible, for Great Britain and France and Italy formally to assent to these reservations without compromising their own national honor and credit?

I am certain that every Senator must agree with me that if the reservation adopted by the Senate on the Shantung feature is equivalent to a rejection of the Shantung articles, then Great Britain, France, and Italy can not honorably assent to it. They can not break their war treaty with Japan.

Mr. PITTMAN. Mr. President—
THE PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Nevada?

Mr. McCUMBER. I yield for a question.

Mr. PITTMAN. Does the Senator believe that the language of the Lodge reservation is equivalent to an expression of a rejection by the United States?

Mr. McCUMBER. I do; and I expect to show it.

Permit me to say that the Senator from North Dakota did show, beyond controversy, that the action of the Senate on the Lodge reservation with regard to Shantung was an absolute denunciation of the Shantung provision.

Has the Senator from North Dakota [Mr. McCUMBER] changed his mind in this matter? Has the Senator from Minnesota [Mr. NELSON], who has collaborated in all these treaty matters with the Senator from North Dakota, changed his mind on these matters? Has the mild reservationist from Oregon [Mr. McNARY] changed his mind with regard to these matters? Has the junior Senator from Minnesota [Mr. KELLOGG], who presented the McCumber reservations, changed his mind? No; they have not changed their minds with regard to these matters. They were bound by some understanding or some agreement, in their party affiliations. I am not saying this in any way derogatory to them whatever, but nevertheless they are now voting for these things which they formerly opposed upon principle.

But what happened? Why was the Shantung provision put into the resolution? Because a majority of the Republican members of the Foreign Relations Committee, that framed these reservations, were and are now against the treaty. They have always been against the treaty from beginning to end, and they had the power in the committee to frame reservations that in their belief would kill it. They were not able upon the floor of the United States Senate, on a straight vote, to kill the league of nations and the treaty, but they hoped to

kill it by subterfuge and they forced these reservations upon the Senate.

On the other side you cast to-night 13 votes against the resolution of ratification. You who on the Republican side favor the treaty have barely more than one-third of the Members of the Senate. You have never had a majority on the other side in favor of this treaty. We have more Members on this side in favor of this treaty; and yet you Republicans on the other side who favor this treaty, who do not constitute as many as we Democrats on this side who favor this treaty, will not stand by us in any amendment or any change that we offer to any one of these abominable reservations that were written by the "treaty killers" on the other side.

The Senator from Ohio [Mr. HARDING] says we have made no offer of a compromise. Take the very first amendment of the Senator from Massachusetts [Mr. LODGE]. The Senator from North Dakota [Mr. McCUMBER] offered an amendment. He moved to strike out all that part of reservation No. 1 after the word "ratification" in the third line.

What does that mean? With the amendment adopted as offered by the Senator from North Dakota, it would read this way:

The reservations and understandings adopted by the Senate are to be made a part and a condition of the resolution of ratification.

That is where it would have ended. It would not have been dependent upon a formal acceptance by France, Great Britain, Italy, or Japan, as it now is. Who voted for the amendment offered by the Senator from North Dakota? Every Democrat on this side, except four, voted for it. Who voted for it on the other side of the Chamber? The Senator from North Dakota [Mr. McCUMBER] and possibly the Senator from Minnesota [Mr. NELSON]. I am not sure, but I think they were the only two on the other side. Now, tell me, in fairness, was there not an effort to compromise on the part of the Senators on this side? We voted for that amendment.

But that is not all. If the Senator had had the support of the so-called mild reservationists on the other side, this reservation numbered 1, which was put into this resolution for the very purpose of killing it, would not be in the form that it is in to-night, and many of us on this side would be in a better position to vote for those reservations.

The Shantung reservation is as follows:

"7. The United States withholds its assent to articles 156, 157, and 158, and reserves full liberty of action with respect to any controversy which may arise under said articles between the Republic of China and the Empire of Japan."

I offered the following substitute, which was rejected:

"Provided, That in advising and consenting to the ratification of said treaty the United States understands that the German rights and interests, renounced by Germany in favor of Japan under the provisions of articles 156, 157, and 158 of said treaty, are to be returned by Japan to China at the termination of the present war by the adoption of this treaty, as provided in the exchanged notes between the Japanese and Chinese Governments of date May 25, 1915."

That is not all. You not only put the Shantung provision in here so as to offend Japan, so as to make England in honor bound to stand by Japan under her treaties, but you went further and you put a clause in here with regard to the Monroe doctrine that to-day is arousing the press of South America.

Why did you put that in there? You put it in there because the members of the Foreign Relations Committee on the Republican side are opposed to any league of nations or any treaty at all, and to-night they proved it by their votes; and after they put it in there you did not have nerve to stand against the leaders of your own party, or you would have taken it out. That is all it amounts to. You had a chance to take it out on the floor of the Senate.

You say that the Democrats have made no attempt to compromise on reservations. There was a reservation offered in place of the Monroe doctrine reservation. That reservation was drawn by the Senator from North Dakota [Mr. McCUMBER] and concurred in by all the mild reservationists on the other side. I offered that in the very language in which it was prepared by the mild reservationists on the other side, and how did the vote stand when it came to a vote? There were 55 against it and 35 for it, and the only votes for it, outside of the vote of the Senator from North Dakota, were of the Senators on this side. The Democrats, if they had had the support of the so-called mild reservationists on the other side, would have carried the substitute of the mild reservationists for the reservation of the majority on the other side with regard to the Monroe doctrine.

I ask consent to place that in the RECORD without reading it.

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). Without objection, it is so ordered.

The committee Monroe doctrine reservation is as follows:

"6. The United States will not submit to arbitration or to inquiry by the assembly or by the council of the league of nations, provided for in said treaty of peace, any questions which in the judgment of the United

States depend upon or relate to its long-established policy, commonly known as the Monroe doctrine; said doctrine is to be interpreted by the United States alone and is hereby declared to be wholly outside the jurisdiction of said league of nations and entirely unaffected by any provision contained in the said treaty of peace with Germany."

Mr. HITCHCOCK. Mr. President, I offer the following substitute for reservation numbered 6.

The PRESIDENT pro tempore. It will be read.

The Secretary read as follows:

"That the national policy of the United States known as the Monroe doctrine, as announced and interpreted by the United States, is not in any way impaired or affected by the covenant of the league of nations and is not subject to any decision, report, or inquiry by the council or assembly."

Mr. PITTMAN. I offer the following amendment as a substitute for reservation numbered 6.

The PRESIDENT pro tempore. It will be read.

The Secretary read as follows:

"The United States does not bind itself to submit for arbitration or inquiry by the assembly or the council any question which in the judgment of the United States, depends upon or involves its long-established policy commonly known as the Monroe doctrine, and it is preserved unaffected by any provision in the said treaty contained."

The Secretary read as follows:

"The following notice is presented by Mr. SMITH of Georgia to be read in compliance with the provisions of rule 22, applicable to closing debate:

"Second. Amend the sixth reservation by striking out the words 'is to be interpreted by the United States alone and.'"

All the foregoing substitutes were rejected.

Mr. PITTMAN. That is not all. All the way through, from the very beginning to the end, there were offered on the other side by the Senator from North Dakota [Mr. McCUMBER], or there were offered on this side by the Senator from Nebraska [Mr. HITCHCOCK] or other Democratic Senators, substitute reservations for practically every reservation offered by the majority, and in nearly every case those reservations which were offered as substitutes were the reservations that had been prepared by the so-called mild reservationists on the Republican side, and yet the Democrats are said not to have offered any opportunity for compromise. The Democrats voted for them in every case, while the Republicans voted against them in every case.

I contend now, and the RECORD will disclose, that every reservation contained in the Republican resolution of ratification was dictated and framed by the identical men who voted to-night to kill the treaty. There was not a case but what, if those men had not voted against the substitutes for the Republican reservations, the substitutes would have carried.

Mr. PENROSE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Pennsylvania?

Mr. PITTMAN. For a question.

Mr. PENROSE. I would like to ask the Senator what profit there is in explaining to the Senate how Republicans voted according to their convictions, when every Democrat voted under orders from the White House?

Mr. PITTMAN. I was in hopes, Mr. President—

Mr. THOMAS. Mr. President, I deny that.

Mr. PENROSE. The Senator from Colorado is about the only one who can deny it.

Mr. THOMAS. I deny that also.

Mr. PITTMAN. I am very sorry that the Senator from Colorado took up my time to reply, because any remarks made by the Senator from Pennsylvania do not require any answer whatever in times like these.

I simply am going on to show, if you please, that we offered a compromise reservation for practically every reservation offered by the "treaty killers" on the other side, and that the Democrats voted for such compromises every time, and they got no help from the other side. I want to tell you that in every case of a compromise reservation, the substitute for the reservation of the committee would have been adopted except for the 13 votes of the Republican Senators who are now openly against the treaty and who always have been against it.

Mr. WILLIAMS. Any treaty.

Mr. PITTMAN. And every league of nations. Yet on the other side there is a pretense on the part of some Senators that they are sincerely in favor of the adoption of this treaty and the league of nations, with reservations. They have most consistently and persistently refused to accept any form of reservation that in their opinion would tend to the ratification of this treaty.

Does anyone charge, in his own mind, the Senator from Idaho [Mr. BORAH] with ever desiring to vote for a reservation that, in his opinion, would aid in the ratification of this treaty? Does anyone believe that the Senator from Pennsylvania [Mr. KNOX] ever helped frame these reservations in the Committee on Foreign Relations for the purpose of facilitating the ratification of this treaty? Yet it was those men, the Senator from Pennsylvania [Mr. KNOX], the Senator from Idaho [Mr. BORAH], the Senator from California [Mr. JOHNSON],

and the Senator from New Hampshire [Mr. MOSES] who in the Committee on Foreign Relations used all of their great skill as international lawyers to frame this beautiful thing that is now laid before us.

Yet we have the Senator from Ohio, in that suave, easy, gentle manner of his, saying, "We have laid something before you—something good."

The idea of a reservation which would aid in the ratification of this treaty receiving the vote of the Senator from Idaho [Mr. BORAH]. To suggest such a thing would be an insult to the Senator from Idaho that I would not participate in for one single moment.

When you unmask all of the hypocrisy surrounding this whole transaction, when you see the leaders of the great Republican Party, representing the people of this country, pretending that they are doing everything in God's world to ratify a treaty, and at the same time you see them call to their aid to prepare the reservations the men who are killing the treaty, and you see them acting with them for the purpose of defeating amendments of Senators like the Senator from North Dakota [Mr. McCUMBER], who they admit are honestly for the treaty, their interest and sincerity and consistency at least are open to suspicion on the part of the people of the country.

But they say that we have offered no compromise. I say to you that we have offered compromises on the floor of the Senate which even the Senator from North Dakota would admit would have been accepted two months ago. Why will they not be accepted to-day? Conditions have not changed in the world. The reservations are just the same. The reasons they will not be accepted to-day, and he will admit it, are purely political reasons, and nothing else on earth. Then if he will not accept them on the ground of political reasons he need not appeal to us on the high ground that they are trying to ratify a treaty with those countries for the sake of humanity throughout the world.

I ask leave to print in the Record as a part of my remarks these various amendments that were offered and voted down, so as not to take up the time to read them.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

1. The reservations and understandings adopted by the Senate are to be made a part and a condition of the resolution of ratification, which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted by an exchange of notes as a part and a condition of said resolution of ratification by at least three of the four principal allied and associated powers, to wit, Great Britain, France, Italy, and Japan.

Mr. McCUMBER offered following substitute:

The SECRETARY. It is proposed, in what is known as reservation No. 1, in line 3, after the word "ratification," to strike out the remainder of the reservation in the following words:

"Which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted by an exchange of notes as a part and a condition of said resolution of ratification by at least three of the four principal allied and associated powers, to wit, Great Britain, France, Italy, and Japan."

Mr. McCUMBER. Mr. President, in the first reservation I move to strike out all after the word "ratification," where it first occurs, in line 3, down to the end of the reservation, and to insert in lieu of the words stricken out the following:

"The acceptance of such reservations and understandings by any party to said treaty may be effected by an exchange of notes."

Mr. BORAH. On line 7 I move to strike out the words "three of," so that the reservations will read that the reservations and understandings adopted by the Senate must be accepted "by at least the four principal allied and associated powers, to wit, Great Britain, France, Italy, and Japan."

Mr. KING. Mr. President, I offer the following amendment to the paragraph under consideration: Insert, after the word "ratification," on line 7, the following words:

"Or by participating in any of the proceedings authorized by said treaty."

So that it will read:

"The reservations and understandings adopted by the Senate are to be made a part and a condition of the resolution of ratification, which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted by an exchange of notes as a part and a condition of said resolution of ratification or by participating in any of the proceedings authorized by said treaty."

And so forth.

Mr. KING. Mr. President, upon further consideration of the amendment submitted a few moments ago, I am inclined to think the suggestion made by the distinguished Senator from Wisconsin [Mr. LEXNOR] indicates that there was quite a serious imperfection in that amendment. I offer this as a substitute for it:

"Or by recognizing the United States as a party to the treaty."

So that it will read:

"Which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted by an exchange of notes as a part and a condition of said resolution of ratification, or by recognizing the United States as a party to the treaty, by at least three of the four principal allied and associated powers, to wit—"

And so forth.

The SECRETARY. Reservation of the committee No. 7 is as follows:

"7. The United States withholds its assent to articles 156, 157, and 158, and reserves full liberty of action with respect to any controversy which may arise under said articles between the Republic of China and the Empire of Japan."

Mr. McCUMBER. I read the substitute. The offer is of my No. 1 of that which was printed the other day:

"The United States refrains from entering into any agreement on its part in reference to the matters contained in articles 156, 157, and 158, and reserves full liberty of action in respect to any controversy which may arise in relation thereto."

Mr. PITTMAN (offers substitute).

The Secretary read as follows:

"Provided, That in advising and consenting to the ratification of said treaty the United States understands that the German rights and interests, renounced by Germany in favor of Japan under the provisions of articles 156, 157, and 158 of said treaty, are to be returned by Japan to China at the termination of the present war by the adoption of this treaty as provided in the exchanged notes between the Japanese and Chinese Governments of date May 25, 1915."

Mr. PITTMAN. I call for the yeas and nays.

The Secretary read committee reservation numbered 8, as follows:

"8. The Congress of the United States will provide by law for the appointment of the representatives of the United States in the assembly and the council of the league of nations, and may in its discretion provide for the participation of the United States in any commission, committee, tribunal, court, council, or conference, or in the selection of any members thereof and for the appointment of members of said commissions, committees, tribunals, courts, councils, or conferences, or any other representatives under the treaty of peace, or in carrying out its provisions, and until such participation and appointment have been so provided for and the powers and duties of such representatives have been defined by law, no person shall represent the United States under either said league of nations or the treaty of peace with Germany or be authorized to perform any act for or on behalf of the United States thereunder, and no citizen of the United States shall be selected or appointed as a member of said commissions, committees, tribunals, courts, councils, or conferences except with the approval of the Senate of the United States."

The VICE PRESIDENT. The Secretary will read reservation numbered 9.

The Secretary read as follows:

"9. The United States understands that the reparation commission will regulate or interfere with exports from the United States to Germany, or from Germany to the United States, only when the United States by act or joint resolution of Congress approves such regulation or interference."

The VICE PRESIDENT. The Secretary will read reservation numbered 10.

The Secretary read as follows:

"10. The United States shall not be obligated to contribute to any expenses of the league of nations, or of the secretariat, or of any commission, or committee, or conference, or other agency, organized under the league of nations or under the treaty or for the purpose of carrying out the treaty provisions, unless and until an appropriation of funds available for such expenses shall have been made by the Congress of the United States."

The SECRETARY. Reservation No. 11:

"If the United States shall at any time adopt any plan for the limitation of armaments proposed by the council of the league of nations under the provisions of article 8, it reserves the right to increase such armaments without the consent of the council whenever the United States is threatened with invasion or engaged in war."

The Secretary read as follows:

"12. The United States reserves the right to permit, in its discretion, the nationals of a covenant-breaking State, as defined in article 16 of the covenant of the league of nations, residing within the United States or in countries other than that violating said article 16, to continue their commercial, financial, and personal relations with the nationals of the United States."

"13. Nothing in articles 296, 297, or in any of the annexes thereto, or in any other article, section, or annex of the treaty of peace with Germany, shall, as against citizens of the United States, be taken to mean any confirmation, ratification, or approval of any act otherwise illegal or in contravention of the rights of citizens of the United States."

"14. The United States declines to accept, as trustee or in her own right, any interest in or any responsibility for the government or disposition of the overseas possessions of Germany, her rights and titles to which Germany renounces to the principal allied and associated powers under articles 119 to 127, inclusive."

The SECRETARY. Reservation No. 15, which will now become No. 14, is as follows:

"14. The United States reserves to itself exclusively the right to decide what questions affect its honor or its vital interests and declares that such questions are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or of the assembly of the league of nations or any agency thereof or to the decision or recommendation of any other power."

[Rejected.]

The SECRETARY. On page 2 of the bill-size print, line 4, the following reservation:

"3. The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether members of the league or not—under the provisions of article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide."

Mr. THOMAS. Mr. President, I desire to offer as a substitute for the third reservation, just read, the second reservation heretofore offered by the senior Senator from North Dakota [Mr. McCUMBER], found on page 15 of Senate Document 150, which I will ask the Secretary to read.

The VICE PRESIDENT. The Secretary will read:

The SECRETARY. Reading from page 15 of star print of Document 150, line 7, as a substitute for the proposed reservation just read, the following:

"2. That the suggestions of the council of the league of nations as to the means of carrying the obligations of article 10 into effect are only advisory, and that any undertaking under the provisions of article 10, the execution of which may require the use of American military or naval forces or economic measure, can under the Constitution be carried out only by the action of the Congress, and that the failure of the Congress to adopt the suggestions of the council of the league or to provide such military or naval forces or economic measures shall not constitute a violation of the treaty."

Mr. BORAH. I send to the desk a substitute, which I offer in lieu of reservation numbered 3, as reported by the committee.

The PRESIDENT pro tempore. The Secretary will report the amendment proposed by the Senator from Idaho.

The SECRETARY. In lieu of the reservation reported by the committee known as reservation numbered 3, substitute the following:

"3. The United States assumes no obligation, legal or moral, under article 10 and shall not be bound by any of the terms or conditions of said article."

Mr. WALSH of Montana. Mr. President, I move to strike out from the reservation the following words, appearing in lines 11, 12, and 13, on page 2, namely, "or authorize the employment of the military or naval forces of the United States."

Mr. WALSH of Montana. I ask that the amendment which I send to the desk may be read.

The PRESIDENT pro tempore. The amendment offered by the Senator from Montana will be stated.

The SECRETARY. It is proposed to add at the end of reservation No. 3 the following:

"And the United States hereby releases all members of the league from any obligation to it under article 10 and declines to participate in any proceeding by the council authorized thereby."

Mr. KING:

The SECRETARY. It is proposed to strike out from the last portion of the amendment offered by the Senator from Montana these words:

"And declines to participate in any proceeding by the council authorized thereby."

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from Montana, and then the amendment as it would read if the amendment proposed by the Senator from Utah were adopted.

The SECRETARY. The Senator from Montana proposes to add, at the end of what is known as reservation No. 3, the following:

"And the United States hereby releases all members of the league from any obligation to it under article 10, and declines to participate in any proceeding by the council authorized thereby."

The Senator from Utah proposes to strike out the words "and declines to participate in any proceeding by the council authorized thereby," so that, if amended, the amendment will read, "and the United States hereby releases all members of the league from any obligation to it under article 10."

The SECRETARY. The Senator from Colorado [Mr. THOMAS] proposes the following amendment to the proposed committee reservation No. 3, as follows: On page 2, line 4, after the word "obligation," insert the words "beyond the expiration of five years from the ratification of this treaty," so that if amended the paragraph will read:

"The United States assumes no obligation beyond the expiration of five years from the ratification of this treaty to preserve the territorial integrity or political independence of any other country."

Mr. WALSH of Montana:

The SECRETARY. Add at the end of the proposed reservation No. 3 the following:

"Provided, however, That the United States assumes for the period of five years with other members of the league, the obligation of said article 10 as to the following Republics, to wit: Poland, Czechoslovakia, and the Serb-Croat-Slovene State."

Mr. McKELLAR:

The SECRETARY. Add at the end of the proposed reservation of the committee No. 3 the following:

"Provided, however, That the United States assumes for the period of five years with the other members of the league the obligation of said article 10 as to the Republic of France in maintaining her sovereignty over Alsace-Lorraine."

Mr. HITCHCOCK. To that reservation I offer the following substitute. The PRESIDENT pro tempore. The Secretary will state the proposed substitute.

The SECRETARY. In lieu of the words proposed by the Committee on Foreign Relations known as reservation No. 3 insert the following:

"That the advice mentioned in article 10 of the covenant of the league which the council may give to the member nations as to the employment of their naval and military forces is merely advice which each member nation is free to accept or reject, according to the conscience and judgment of its then existing government, and in the United States this advice can only be accepted by action of the Congress at the time in being, Congress alone under the Constitution of the United States having the power to declare war."

Mr. OWEN:

The SECRETARY. In lieu of reservation numbered 3, proposed by Mr. LODGE, the Senator from Oklahoma offers the following substitute:

"The United States in assuming the obligation to preserve the territorial integrity or existing political independence of any other country, or to interfere in controversies between nations, whether members of the league or not, under the provisions of article 10, or to employ the military or naval forces of the United States, does so with the understanding that the advice or recommendation of the council or assembly under articles 10 and 15 is purely advisory and absolutely subject to such judgment and action as the Congress of the United States may find justified by the facts in any case submitted."

Mr. HITCHCOCK. Mr. President, while Senators who are supporting the pending reservation seem to be voting more because of pledges than from preference, I desire to offer what I send to the desk, to be added to the pending reservation proposed by the Senator from Massachusetts [Mr. LODGE], and to say that its author is the Senator from Pennsylvania [Mr. KNOX].

The PRESIDENT pro tempore. The Secretary will state the amendment proposed to the reservation by the Senator from Nebraska.

The SECRETARY. As an addition to reservation No. 3 it is proposed to add:

"But, finally, it shall be the declared policy of our Government, in order to meet fully and fairly our obligations to ourselves and to the world, that the freedom and peace of Europe being again threatened by any power or combination of powers, the United States will regard such a situation with grave concern as a menace to its own peace and freedom, will consult with other powers affected with a view to devising means for the removal of such menace, and will, the necessity arising in the future, carry out the same complete accord and cooperation with our chief cobelligerents for the defense of civilization."

Mr. GORE:

The SECRETARY. On line 14, after the word "freedom," it is proposed to insert the words "of the seas and the freedom," so that it will read:

"But, finally, it shall be the declared policy of our Government, in order to meet fully and fairly our obligations to ourselves and to the world, that the freedom of the seas and the freedom and peace of

Europe being again threatened by any power or combination of powers."

"6. The United States will not submit to arbitration or to inquiry by the assembly or by the council of the league of nations, provided for in said treaty of peace, any questions which in the judgment of the United States depend upon or relate to its long-established policy, commonly known as the Monroe doctrine; said doctrine is to be interpreted by the United States alone and is hereby declared to be wholly outside the jurisdiction of said league of nations and entirely unaffected by any provision contained in the said treaty of peace with Germany."

Mr. HITCHCOCK. Mr. President, I offer the following substitute for reservation numbered 7.

The PRESIDENT pro tempore. It will be read.

The Secretary read as follows:

"That the national policy of the United States known as the Monroe doctrine, as announced and interpreted by the United States, is not in any way impaired or affected by the covenant of the league of nations and is not subject to any decision, report, or inquiry by the council or assembly."

Mr. PITTMAN. I offer the following amendment as a substitute for reservation numbered 6.

The PRESIDENT pro tempore. It will be read.

The Secretary read as follows:

"The United States does not bind itself to submit for arbitration or inquiry by the assembly or the council any question which, in the judgment of the United States, depends upon or involves its long-established policy commonly known as the Monroe doctrine, and it is preserved unaffected by any provision in the said treaty contained."

The Secretary read as follows:

"The following notice is presented by Mr. SMITH of Georgia to be read in compliance with the provisions of rule 22, applicable to closing debate:

"Second. Amend the sixth reservation by striking out the words 'is to be interpreted by the United States alone and.'"

Mr. PITTMAN. I simply want to say this in conclusion, because my time is nearly up, that if Senators on the other side who favor the treaty—and I do not know how many of you there are, and I doubt if there are very many of you—if those of you there who are honest and sincere, if those of you there who hold your country above your party, are willing to join us on this side, I feel assured we can get you enough votes to ratify this treaty with reservations that you yourselves would have accepted two months ago.

If you had adopted the amendment of the Senator from North Dakota with regard to the preamble, if you had adopted his suggestions with regard to article 1, if you had adopted his reservation with regard to the Monroe doctrine, if you had adopted his first suggestion with regard to Shantung, which I offered as a substitute, although there is very little left of the original covenant, and while we are simply standing in the league as advisors, and while we have thrown off the burden of responsibility, there would be something left that possibly when we come into our own senses we could later rectify.

It would be the foundation upon which Republicans and Democrats later on could build a better edifice than the Republican Party have left. Change it in those particulars and I will vote for your reservations, and I will vote for your resolution of ratification, bad and insignificant and destructive as it is.

On the other hand, if you do not cut out of the resolution of ratification those reservations that you know will destroy the treaty, if you persist in that fraud upon the American people and that fraud upon the world, then I tell you there are enough fearless Democrats on this side of the Chamber to prevent its ratification until the American people understand. We may adopt the policy of isolation, and profit; we may decide to remain in an existence of selfishness, greed, and war, but we will not stand for national cowardice, pretense, and dishonesty.

The PRESIDING OFFICER. The question is upon the resolution of ratification—

Mr. REED. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TRAMMELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gerry	McKellar	Smith, Ga.
Ball	Hale	McLean	Smith, Md.
Bankhead	Harding	McNary	Smith, S. C.
Beckham	Harris	Moses	Smoot
Borah	Harrison	Myers	Spencer
Brandegee	Henderson	New	Stanley
Calder	Hitchcock	Newberry	Sterling
Capper	Johnson, Calif.	Norris	Sutherland
Chamberlain	Jones, Wash.	Nugent	Swanson
Colt	Kellogg	Overman	Thomas
Cummins	Kendrick	Page	Townsend
Curtis	Kenyon	Penrose	Trammell
Dial	Keyes	Phipps	Wadsworth
Dillingham	King	Pittman	Walsh, Mass.
Edge	Kirby	Polindexter	Walsh, Mont.
Elkins	Knox	Reed	Warren
Fernald	La Follette	Robinson	Watson
Fletcher	Lenroot	Sheppard	Williams
France	Lodge	Sherman	Wolcott
Frelinghuysen	McCormick	Shields	
Gay	McCumber	Simmons	

The PRESIDING OFFICER. Eighty-two Senators have answered to the roll call. There is a quorum present.

Mr. FLETCHER. Mr. President, in reference to the resolution now before the Senate, it must be distinctly understood that those who oppose the resolution in its present form are not thereby committed to the proposition that they are opposed to any reservations whatever to the treaty. It must be understood that there are reservations involved in the resolution which are regarded by those who are friendly to the treaty as unobjectionable.

There are quite a number among the friends of the treaty, I am sure, who would really raise no question concerning quite a few of the reservations embodied in the present resolution, but it is perfectly plain also that the resolution includes reservations which make it as it stands practically destructive of the very life and heart of the treaty, and it is on that account that many of us—I do, speaking for myself—find ourselves utterly unable to support the resolution.

It seems to me an illustration may be made of the position in which the United States is sought to be put by this resolution by this simple statement: Suppose four gentlemen on the other side and I are about to enter upon an important enterprise. Certain arrangements are needed—the supply of a small amount of capital with certain supervision and direction, details of management to be provided, and certain obligations are to be incurred. Finally the agreement is reduced to writing and it is submitted to each of us. The four parties sign it and then bring it to me.

I say I am perfectly willing to enter into this arrangement. I make this contract with you; I embark upon this great enterprise with you, but upon the condition and the understanding that I am to get out when I get ready; that I am to do what I like to do about it; that I will pay in as much capital as I see fit to put in; that I will cancel all obligations when I get ready to cancel them; that I am to be the sole judge of when I shall rescind that contract and in what way I shall recede from it and the right to abandon the undertaking when I like.

In an ordinary, everyday business transaction if that sort of proposition were put up as between five men, the other four men would have absolutely no respect whatever for the selfish individual who desired to have entirely in his control and at his own option the right to quit whenever he desired and to determine for himself alone on what terms and conditions he would get out or continue. No man with decent self-respect would put himself into such a position. No individual with any sense of justice and honor and duty and proper consideration for his associates would undertake to make such a contract with his fellow citizens. It would be regarded as a rank absurdity to even offer to enter into covenants whereby one of the parties would reserve to himself the unconditional and absolute determination as to how much he would contribute to the joint enterprise; that if it proved profitable and worth while he would go on with it; but if there were troubles and difficulties ahead he would get out whenever it suited him to do so. Such a proposition as that would in itself brand any individual who suggested it as selfish and designing, if not dishonest, and certainly as unreliable and untrustworthy.

That is the position the movers seek or propose to put the United States in under this resolution; that is what is offered to all our associates and allies with whom we have joined forces in conducting to victory the greatest war since the beginning of time, with whom we ought yet to be cooperating, and to whom we still owe debts of gratitude and everlasting sympathies.

You wish to say to them, "We are willing to enter upon this contract and this arrangement so as if possible to secure the peace of the world, in order that we may, if we can, carry out our original purpose and undertaking when we entered the fight, namely, to secure a righteous and permanent peace"; that is what we said we would do; not only secure a righteous peace, but a permanent peace as the ultimate goal. We say to our associates, "We are willing that you shall put in all of your resources; that you shall bind yourselves; that you shall contribute whatever is needful on your part to protect humanity against such a calamity in all the years to come, and we will go with you just as far as we see fit to go; we will quit you whenever we like to quit you; we will abandon the enterprise if for any reason it occurs to us to be to our interest to do so, or whenever there are any problems or difficulties ahead that we do not care to be responsible for or to solve or overcome. We will notify you now that we will determine for ourselves when we are free and at liberty to abandon you, and we will abandon you whenever we desire so to do without regard to your interests or obligations."

I say that is an undignified position to occupy before the world. It is not honest; it is not just; it is not fair; it is not the part that any responsible nation ought to play in the affairs of mankind. It is based upon the idea that international affairs,

so far as we are concerned, constitute a game of solitaire, and we will play it alone. We do not propose to deal any cards to any other people in the world in the conduct of this game. The attitude now assumed is consistent with that idea; it is utterly selfish.

I shall not take up the time to argue the reasons why I think the treaty ought to be ratified, and this league ought to be approved, but from that standpoint alone I would appeal to every Senator upon this floor—and I think it would meet favorable response in the breast of every American in the land—that we say to our friends, "This is an important enterprise; it is worthy your contribution and our contribution; we have been with you up to this time; we will go with you to the end; we will endeavor to do our part, and we will not shirk any responsibility; we will not ask anything for ourselves that we are not willing to give to you, and we will go on and try this experiment out in the effort to see that there shall never again come to the world such destruction of life and property, such distress and suffering as we have just gone through with."

Mr. President, seven and a half millions of the bravest and best young men of the world lie buried, killed in battle; over 10,000,000 more are crippled and maimed and wounded, and \$186,000,000,000 has been the cost in dollars and cents up to this time. Do we sit idly here contemplating the possibility of continuing upon a plan of competitive armaments looking again to a war that must come because we assume it can not be avoided? Ought we not make every effort on our part at least to see to it that so far as it can be accomplished we shall put an end to that sort of thing in the future?

So I say, Mr. President, that it is a great pity, in my judgment, that the resolution proposes to put this country in such a selfish, domineering, inexcusable, indecent attitude before the world; and it is a pity that at this time we are unwilling to forego this determination to accomplish a plan which was determined upon when the Foreign Relations Committee was appointed at the beginning of this session; that we are unwilling to proceed to do our best here instead of relying upon technicalities and parliamentary this and parliamentary that in order to stifle a full and fair expression of views upon this floor; that we are unwilling to do what this great occasion demands of every Senator who loves his flag, who loves his country, and who has a feeling of good will toward his fellow men everywhere.

Mr. President, I ask unanimous consent to have printed in the RECORD as a part of my remarks, without reading, a clipping from the Post with reference to the cost of the war.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

COST OF WAR \$37,612,542,569—ESTIMATE REACHED IN REPORT OF CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE.

The first comprehensive report on the direct and indirect costs of the war has just been made by the Carnegie Endowment for International Peace and published in a volume of that title. After taking each of the countries separately on both sides and summarizing the total direct and total indirect costs, the report gives the direct cost as \$186,000,000,000, and states that the indirect costs "have amounted to almost as much more."

The capitalized value of soldier human life, which is given among the "indirect" costs, is placed at \$33,551,276,280. The property losses are divided as follows: On land, \$29,950,000,000; on sea, \$6,800,000,000. Loss of production is an indirect cost of the war, which has meant to the nations \$45,000,000,000. War relief added \$1,000,000,000. The loss to neutrals through indirect cost is placed at \$1,750,000,000. Total indirect costs to all nations, including neutrals, is \$151,612,542,569.

The report was gathered from reliable sources by Ernest L. Bogart, professor of economics, University of Illinois. Estimating the "capitalized value of human life," he fixes the worth of the individual at figures ranging from \$2,020 in Bulgaria, Turkey, Greece, Japan, Roumania, Serbia, and several other countries up to \$4,720 for the United States, where the economic worth of the individual to the nation is placed at the highest.

In addition to the \$33,551,000,000 given as the economic worth of those who lost their lives or were injured in actual warfare, an equal amount is allowed for civilian losses. The number of known dead is placed at 9,998,771 and the presumed dead at 2,991,800.

Mr. OWEN. Mr. President, I wish to call the attention of the Senate to an analysis of the vote on this resolution of ratification. There were 55 votes against the resolution of ratification. Of that number 13 Republicans voted against it because they were hostile to the treaty on any basis whatever; two others, whose position I am not absolutely clear about, supported that position, leaving 40 who voted against that form of resolution who really are in favor of the treaty, and nearly all of them—I think all of them without exception—are willing to agree to some kind of reservations of an interpretative character, and some of them may go further than that. On the other side there were 39, of whom 4 were Democrats, who voted for the somewhat extreme reservations of the so-called Lodge resolution. Those 39 Senators added to the 40 Senators makes 79 Senators who, so far as this vote is concerned, are in favor of the treaty

with reservations of some kind. This body can be controlled by a majority, and that far transcends a majority. If they will, those who have voted for the reservations can cooperate with those who are not willing to accept reservations going so far, and it is a question merely of the adjustment of differences of opinion. It seems to me that the 39 Senators who voted for the resolution with its reservations can hardly be expected to be regarded as earnest friends of the treaty itself if they refuse to permit a parliamentary method by which the differences may be conciliated and adjusted.

We are now face to face with a parliamentary situation under which the leader on the other side of the aisle has brought about an impasse, and we are informed that we must either vote for the treaty and the covenant with these objectionable reservations or the whole matter will be disposed of; in other words, it is a proposal to coerce the 40 Senators on this side who are in favor of the treaty and in favor of adjusting these differences by 39 on the other side, cooperating with, or some of them on that side cooperating with the irreconcilable enemies of this covenant. I merely wanted to put that analysis in the Record.

Mr. STERLING. Mr. President, as a friend of the treaty and of some league of nations, I think I am qualified to speak briefly in reply to some of the suggestions made by the Senator from Oklahoma, as well as the suggestions made by other Senators.

It seems to me, as I have listened to this discussion, that the opposition to the reservations already adopted arises largely out of a contention for mere form and a mere form of words—a form of procedure and a form of words.

Take the preamble of the reservations. It provides that acceptance of the reservations shall be signified by an exchange of notes by three of the allied powers. It is simply, then, a question of the form of acceptance. Shall it be by acquiescence in acts or conduct, or the acquiescence that arises after the lapse of a long period of time, in which we will be uncertain as to what will be done by the allied powers in regard to these reservations; or shall the acceptance be signified by an exchange of notes?

That is the difference. I agree with the committee that the acceptance should be by an exchange of notes, whereby we and the world would know, and would know speedily, as to whether or not these reservations were agreed to.

The other side, those who oppose this preamble, must have an acquiescence. They will agree that there must be an acquiescence to these reservations, but they want it to rest in conduct, in acts, or in lapse of time. Which is the better for all parties concerned—the acceptance by acquiescence or the acceptance by an exchange of notes?

I want to ask Senators on the other side who oppose this first reservation, the preamble, if they, on such a slight pretext, are willing to imperil so great a cause?

Mr. OWEN. Mr. President, I should like to say on my own behalf that I believe that agreeing to that would result in a defeat of the treaty itself, and for that reason we would not get the peace which I believe we all desire.

Mr. STERLING. Mr. President, I can not agree with the Senator from Oklahoma for a single moment in that respect. I think that the allied powers would be only too glad to make the exchange of notes, signifying their acceptance of these reservations and our joining with them in this treaty.

Now, Mr. President, to call attention to another point, to show that this is largely a mere matter of words and form for which these opposed to these reservations are contending: Now, I refer to the reservations with regard to withdrawal, and I quote here and read into the Record the reservation of the Senator from North Dakota [Mr. McCUMBER]. The opposition has been inclined to look very favorably upon the reservations proposed by him:

That the United States understands, and so construes article 1, that in case of notice of withdrawal from the league of nations, as provided in said article, the United States shall be the sole judge as to whether all its international obligations and all its obligations under the said covenant have been fulfilled.

The only addition—the rest is in substance almost word for word the same—the only addition in the committee reservation is this:

And notice of withdrawal by the United States may be given by a concurrent resolution of the Congress of the United States.

A word here in passing in regard to this reservation relating to withdrawal, and in answer to the Senator from Florida [Mr. FLETCHER]. He thinks that we are practically out of the league, that we are not doing our share under the terms of that reservation, in saying we will quit when we please. We want, Mr. President, to be in that position. This principle is involved—the principle of national sovereignty. If we can not determine when we have fulfilled our obligations but must leave it to this superpower, the council of the league of nations, we have lost

so much of our sovereignty, and it is one of the greatest attributes of sovereignty, I think, that a nation may determine its international relations and when it has fulfilled its obligations to the other nations of the world. I think it essential that we should preserve the reservation in regard to withdrawal.

Who shall give a notice of withdrawal, the Executive of the United States, or Congress by joint resolution, or Congress by concurrent resolution? What will be the situation, Mr. President? Our representatives on the league of nations, in the assembly, and in the council, will be the appointees of the President of the United States. A joint resolution here to withdraw from the league of nations might be vetoed by the President. It might be vetoed on representations made by his appointees on the council of the league of nations, or the league, or the assembly; and I think it highly important that it should be left to Congress alone, who represent and speak for the people of the United States, to determine whether or not we shall withdraw from the league of nations.

Now, Mr. President—I will be very brief—I come to the next, the second, reservation. I want to read into the Record here three different forms of reservation. One Senator, the distinguished Senator from Minnesota [Mr. KELLOGG], this morning began that good work, but did not conclude it; and I intend that these three different forms of reservations shall be read here in the Record together. I have before me the one proposed by the Senator from Nebraska [Mr. HITCHCOCK]. It reads as follows:

The United States does not assume an obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether members of the league or not—under the provisions of article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose, until in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide.

That was proposed by the leader on the minority side and the leader of the discussion on that side. He must have believed in it or he would not have proposed it for discussion and consideration here.

In this same connection I want to read the reservation on this same subject proposed by the Senator from North Dakota [Mr. McCUMBER]. We will see how much, in substance or in essence, they differ:

The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations, whether members of the league or not, under the provisions of article 10, or to employ the military and naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military and naval forces of the United States, shall, by act or joint resolution, so declare.

In substance it is the same as the reservation proposed by the Senator from Nebraska.

Now I am going to read the reservation, which has already been adopted, proposed by the committee:

The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations, whether members of the league or not, under the provisions of article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide.

In every element the three reservations are the same. It is left at last to the determination of Congress as to whether or not we shall intervene in any European controversy under the provisions of article 10 of the covenant.

Mr. President, they say that is the heart of this covenant. It has been the storm center of this discussion, and yet here are the three reservations substantially the same. Where will be the responsibility for the defeat of this treaty if it depends upon how we construe these reservations in regard to the most vital feature of the covenant and of this discussion? Where will the responsibility be?

Mr. President, it has been urged that there is a great moral obligation under article 10. If I remember correctly the interview between the members of the Foreign Relations Committee and the President of the United States, he said that it was simply a moral obligation that it imposed; that it had no legal sanctions; and for that reason was a moral obligation only. I agree with the President. It is a moral obligation. But, Mr. President, where else may we find a moral obligation? We will find the most sacred moral obligation growing out of the issue of peace or war, the issue that arises when the question comes as to whether or not the United States will intervene in any controversy between European nations or any controversy relating to the territorial integrity or political independence of

any other nation. Would the maintenance of the status quo, for example, between any nation and its colonies or its dependencies lead to a system of oppression and injustice? Would we be obliged, Mr. President, under the moral obligation imposed by article 10 to further a system of inequality, oppression, and injustice?

It is for that reason, Mr. President, that we decline to subscribe to article 10, and provide that until Congress has so declared we shall not intervene with armed forces or by resort to economic pressure to bring any alleged recalcitrant nation to terms.

Mr. President, the controversy in which we are asked to intervene is the soul of the thing, not the mere obligation to protect the political independence or territorial integrity of another nation member of this league, but the character of the controversy determines whether or not there is a moral obligation or not for us to go to the aid of another nation which complains that its territory is invaded or its political independence is menaced. It is then that Congress in its deliberations will test the question as to whether it is right or wrong for the United States to equip an army for foreign service and go to war. Is it just, or will it work injustice? Is it moral or unmoral for us to intervene?

We could not subscribe for a moment, Mr. President, to the idea of guaranteeing the political independence and the territorial integrity of any other nation in the world unless we knew what the issues at stake were, what questions of morals are involved.

The determination of our attitude should, necessarily rest in the hands of Congress. So, Mr. President, to this extent it is plain that the objections made by the other side, who seek to charge us with the responsibility of defeating this treaty, are not objections to salient and essential things in the reservations but are objections of mere form or as to phraseology.

I ask again, how can you on a pretext so slight as that which you have so far offered imperil a cause so great and important as that involved in the ratification of this treaty?

Mr. LENROOT. Mr. President, before the vote is taken I wish to say just a word.

Much has been said concerning compromise and negotiation. The Senator from Nebraska [Mr. HITCHCOCK] this evening said that as to many of the reservations it was a mere matter of form, but that the reservation upon article 10 was vital, that it cut the heart out of the league.

I want to say to the other side that that reservation, as most of the other reservations, was drawn not by the enemies of the treaty but by its friends, and article 10 being the crucial point of difference between the two sides of the aisle, upon that article there can be no compromise, there can be no negotiation that will change the substance of that reservation. If the other side of the aisle and the President of the United States desire a ratification of the treaty they must take the reservation upon article 10 in substantially its present form.

That being true, there can be no advantage or good accomplished by further negotiation or talk about compromise. We might as well settle it now.

Mr. POMERENE. Mr. President, it is indeed very distressing to me to hear a Senator of the United States say, in this crucial hour of the world's history, that there can be no compromise. I dislike to think that when we are considering a treaty which was intended to bring to an end all hostilities in the world growing out of the war, and which has already been ratified by four of the great powers of the world—namely, Great Britain, France, Italy, and Japan—when everything is in the balance, the Senator from Wisconsin [Mr. LENROOT] should notify the American people that there can be no compromise. To what extremes have we come politically that we dare to thus jeopardize the peace of the world?

My distinguished colleague [Mr. HARDING], for whom I have the profoundest respect, in an eloquent speech which he made a short time ago in substance said that these reservations were prepared by the committee as friends of the treaty.

Senators, let me call your attention to the personnel of the Republican side of the Committee on Foreign Relations. Bear in mind that it is said that these reservations were prepared by the friends of the treaty, and yet when it comes to the ratification of this treaty with these reservations contained in it, out of the Republican membership of that committee Senator BORAH, Senator BRANDEGEE, Senator KNOX, Senator JOHNSON of California, and Senator MOSES all voted against these reservations, which the Senator from Wisconsin says were prepared by the friends of the treaty.

Mr. SMITH of Arizona. If the Senator will permit me, he has left one out. Senator FALL also was against the treaty.

Mr. POMERENE. Yes. I was going to refer to him. Senator FALL, though he was not here to vote, made the statement upon the floor of the Senate that he was opposed to the treaty.

Mr. LENROOT. Mr. President, will the Senator yield? I will be glad to have him answer out of my time.

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Wisconsin?

Mr. POMERENE. I yield.

Mr. LENROOT. Does the Senator know that not one of the reservations that have been discussed to-night was prepared by any of those gentlemen he has named?

Mr. POMERENE. Mr. President, I know what reservations were reported by that committee. There were 15 of them reported by that committee to the Senate for its consideration. It may be that some of the Senators who were friends of the treaty were consulted as to the final form of the reservations. I will not question that statement. But how often have there been conferences between the mild reservationists on the other side of the Chamber and those who favor the treaty on this side of the Chamber? And when I make that statement I am not finding more fault with the Members on the other side of the Chamber than I am with some Members on this side of the Chamber. I have long been of the opinion that there ought to be a compromise, and I say now there ought to be a compromise.

Senators, it is proposed to-night to insist upon a vote upon the Lodge resolution, and then Senators take the position that because we have voted the second time upon it, from a parliamentary standpoint we are foreclosed from taking any other action. My distinguished colleague said, in answer to the Senator from Alabama [Mr. UNDERWOOD], "We are willing to go to the country upon that issue." I say to him, and to all others who think like him, we will meet you at Philippi on that proposition.

Mistake not, Senators. The American people, who spent nearly \$20,000,000,000, who raised an army of 4,000,000 of soldiers, and left 50,000 of their best sons on the battle fields of France and of Flanders, are not going to be deceived by parliamentary tactics.

Mr. PENROSE. Mr. President—

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Pennsylvania?

Mr. POMERENE. I yield.

Mr. PENROSE. I am curious to know whether Philippi is located in Oklahoma, where the recent congressional contests were held. [Laughter in the galleries.]

The VICE PRESIDENT. The occupants of the galleries have been warned sufficiently, so that if they want to obey the rules of the Senate they can. As there is no way to distinguish the good from the bad, the Chair will be obliged to have all punished pretty soon.

Mr. POMERENE. Mr. President, for aught I know Philippi may be located in the City of Brotherly Love.

Mr. PENROSE. I do not recall any such place in Pennsylvania. There is one in New Jersey that I remember, and, I suppose, in Oklahoma, and in Kentucky.

Mr. POMERENE. It may be in any of those States, but I suspect it will be in all of those States where Senators who have been fighting this treaty present themselves for reelection.

Mr. President, are Senators going to be satisfied that they have exhausted all means of coming together so that we may get the necessary two-thirds to ratify this treaty? Do Senators who come from sovereign States believe that their people will approve, whether those Senators are Republicans or Democrats, if we are to cease our labors now and make no further effort toward adjusting our differences? I do not believe so, and I do not think that the treaty which has been the subject of so much consideration and debate for a period of six months and more ought to be thus lightly cast aside.

If there has been any undue exhibition of temper on this side of the Chamber I am sorry for it. I think there has been some on both sides of the Chamber. I think a good many things have been said in the Senate that ought not to have been said. They have ruffled the feelings of some Senators. Both sides are in that respect to blame.

Mr. McCORMICK. Mr. President, will the Senator yield?

Mr. POMERENE. I yield for a question.

Mr. McCORMICK. I was going to ask the Senator in the best of good humor if it was only in the Senate of the United States that things have been said which it would have been better to have left unsaid, and by persons more distinguished than Senators of the United States?

Mr. POMERENE. Mr. President, I am willing to overlook the temper of the distinguished Senator from Illinois. I recognize the fact that there is one man in American history who

can not even be mentioned in his presence but it irritates him. I am quite willing to assume, for the sake of the argument, that he is the repository of all virtue, and that the other distinguished gentleman is the repository of all vice, if that will soothe him.

But, Mr. President, that is not the question before us. It is simply another exhibition of the fact that it is not the treaty that is being considered so much by some Senators as perhaps it is one of the draftsmen of that treaty.

Perhaps it would not be in order at this time, but I am going to present a motion to the Senate. It may be that under the holding of the Chair it is out of order just now, but I shall ask that it be considered later, and I am going to present it for the information of the Senate.

I move that the treaty, the resolution of ratification, and the reservations heretofore presented to the Senate be referred to a committee of conciliation composed of six Senators to be appointed by the President of the Senate, among whom shall be the leader of the majority, the Senator from Massachusetts [Mr. LODGE], who shall be chairman of the committee, and the leader of the minority, the Senator from Nebraska [Mr. HITCHCOCK], and that said committee be instructed to prepare and report to the Senate such a resolution of ratification and reservations as in their judgment will meet the approval of not less than two-thirds of the Senate.

Mr. LODGE. Mr. President, I think that is clearly out of order under the rule, and I make the point of order against it.

The VICE PRESIDENT. This is the rule, Rule XXII:

When a question is pending, no motion shall be received but—
To adjourn.
To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.
To take a recess.
To proceed to the consideration of executive business.
To lay on the table.
To postpone definitely.
To postpone to a day certain.
To commit—

And so forth. The Chair understands that this is a motion to commit to a special committee.

Mr. LA FOLLETTE. I move to lay the motion on the table.

The VICE PRESIDENT. That is in order. The question is on laying the motion of the Senator from Ohio [Mr. POMERENE] on the table.

Mr. LA FOLLETTE and Mr. ASHURST called for the yeas and nays.

The yeas and nays were ordered and the Secretary proceeded to call the roll.

Mr. KENDRICK (when his name was called). Making the same announcement as before with reference to my pair with the senior Senator from New Mexico [Mr. FALL], I withhold my vote.

Mr. CURTIS (when Mr. NELSON's name was called). I was requested to announce that the Senator from Minnesota [Mr. NELSON] is unavoidably detained from the Senate. He is paired with the senior Senator from Texas [Mr. CULBERSON].

The roll call having been concluded, the result was announced—yeas 48, nays 42—as follows:

YEAS—48.

Ball	France	Lenroot	Pointexter
Borah	Frelinghuysen	Lodge	Reed
Brandegee	Gronna	McCormick	Sherman
Calder	Hale	McLean	Shields
Capper	Harding	McNary	Smoot
Colt	Johnson, Calif.	Moses	Spencer
Cummins	Jones, Wash.	New	Sterling
Curtis	Kellogg	Newberry	Sutherland
Dillingham	Kenyon	Norris	Townsend
Edge	Keyes	Page	Wadsworth
Elkins	Knox	Penrose	Warren
Fernald	La Follette	Philps	Watson

NAYS—42.

Ashurst	Henderson	Phelan	Stanley
Bankhead	Hitchcock	Pittman	Swanson
Beckham	Johnson, S. Dak.	Pomerene	Thomas
Chamberlain	Jones, N. Mex.	Ransdell	Trammell
Dial	King	Robinson	Underwood
Fletcher	Kirby	Sheppard	Walsh, Mass.
Gay	McKellar	Simmons	Walsh, Mont.
Gerry	Myers	Smith, Ariz.	Williams
Gore	Nugent	Smith, Ga.	Wolcott
Harris	Overman	Smith, Md.	
Harrison	Owen	Smith, S. C.	

NOT VOTING—5.

Culbertson	Kendrick	McCumber	Nelson
Fall			

So Mr. POMERENE's motion was laid on the table.

Mr. HITCHCOCK. Mr. President, I move that the treaty be referred to the Committee of the Whole with instructions to report it back to the Senate with the following reservations, which I ask to have read.

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

That any member nation proposing to withdraw from the league on two years' notice is the sole judge as to whether its obligations referred to in article 1 of the league of nations have been performed as required in said article.

That no member nation is required to submit to the league, its council, or its assembly, for decision, report, or recommendation, any matter which it considers to be in international law a domestic question such as immigration, labor, tariff, or other matter relating to its internal or coastwise affairs.

That the national policy of the United States known as the Monroe doctrine, as announced and interpreted by the United States, is not in any way impaired or affected by the covenant of the league of nations and is not subject to any decision, report, or inquiry by the council or assembly.

That the advice mentioned in article 10 of the covenant of the league which the council may give to the member nations as to the employment of their naval and military forces is merely advice which each member nation is free to accept or reject according to the conscience and judgment of its then existing Government, and in the United States this advice can only be accepted by action of the Congress at the time in being, Congress alone under the Constitution of the United States having the power to declare war.

That in case of a dispute between members of the league if one of them have self-governing colonies, dominions, or parts which have representation in the assembly, each and all are to be considered parties to the dispute, and the same shall be the rule if one of the parties to the dispute is a self-governing colony, dominion, or part, in which case all other self-governing colonies, dominions, or parts, as well as the nation as a whole, shall be considered parties to the dispute, and each and all shall be disqualified from having their votes counted in case of any inquiry on said dispute made by the assembly.

Mr. LODGE. On that I ask the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KENDRICK (when his name was called). Making the same announcement concerning my pair as heretofore, I withhold my vote.

Mr. CURTIS (when Mr. NELSON's name was called). I desire to announce that the Senator from Minnesota [Mr. NELSON] is paired with the Senator from Texas [Mr. CULBERSON].

The roll call having been concluded, the result was announced—yeas 41, nays 50, not voting 4, as follows:

YEAS—41.

Ashurst	Hitchcock	Pittman	Swanson
Bankhead	Johnson, S. Dak.	Pomerene	Thomas
Beckham	Jones, N. Mex.	Ransdell	Trammell
Chamberlain	King	Robinson	Underwood
Dial	Kirby	Sheppard	Walsh, Mass.
Fletcher	McKellar	Simmons	Walsh, Mont.
Gay	Myers	Smith, Ariz.	Williams
Gerry	Nugent	Smith, Ga.	Wolcott
Harris	Overman	Smith, Md.	
Harrison	Owen	Smith, S. C.	
Henderson	Phelan	Stanley	

NAYS—50.

Ball	Frelinghuysen	Lodge	Reed
Borah	Gore	McCormick	Sherman
Brandegee	Gronna	McCumber	Shields
Calder	Hale	McLean	Smoot
Capper	Harding	McNary	Spencer
Colt	Johnson, Calif.	Moses	Sterling
Cummins	Jones, Wash.	New	Sutherland
Curtis	Kellogg	Newberry	Townsend
Dillingham	Kenyon	Norris	Wadsworth
Edge	Keyes	Page	Warren
Elkins	Knox	Penrose	Watson
Fernald	La Follette	Phipps	
France	Lenroot	Pointexter	

NOT VOTING—4.

Culbertson	Fall	Kendrick	Nelson
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So Mr. HITCHCOCK's motion was rejected.

Mr. HENDERSON. Mr. President, on the 15th day of November, when the cloture rule was up for consideration, the Vice President made the following statement:

The Chair believes that after one resolution of ratification containing reservations has been rejected by the Senate, if a majority of the Senators so desire they may present other resolutions of ratification, in the hope in some way, with reservations, that the treaty may be ratified. It is always within the power of the majority of the Senate to construe its rules, and thus it is within the power of the majority of the Senate to keep this treaty before the Senate. It can dispose of it by taking up other business, by recommitting it to the Committee on Foreign Relations, by referring it to a special committee, or by sending it back to the President and saying that it will not have anything to do with it; but so long as a majority of the Senators want to try to ratify in some way, as it is usually expressed, this treaty, the majority of the Senate has it within its power to do so. The adoption of the cloture rule, if adopted, will not prevent the majority from attempting to ratify the treaty in some way, although it will end the debate within the period of time provided by that rule.

Mr. President, the friends of the treaty upon this side of the Chamber had every reason to believe that the friends of the treaty on the other side of the Chamber would join with us in securing such reservations as would be acceptable to the other signatories to the treaty. Is it possible that the friends of the treaty on the other side of the Senate are now unwilling to join with us as Americans, not Republicans or Democrats, to ratify this treaty and get our country back to a normal basis and our industries restored as they should be?

Mr. LENROOT. Mr. President, I should like to answer at that point that the friends of the treaty upon this side of the aisle have voted, and are ready again to vote, for the ratification of the treaty; and if the friends of the treaty on the other side will do likewise, we shall soon have it disposed of.

Mr. HENDERSON. Yes; Mr. President, but the apparent friends of the treaty on the other side would defeat it, for they are asking us to do something we are unwilling to do—to ratify it absolutely on their own terms, with too drastic reservations. I am not willing to vote for a resolution of ratification that will in any way tend to offend the sensibilities and injure the national pride and feelings of any nation unless it is absolutely necessary so to do. In one of these reservations, Mr. President, that is what is done, and particularly with reference to some of the South American Republics.

Mr. EDGE. Mr. President, will the Senator from Nevada yield to me?

Mr. HENDERSON. I yield.

Mr. EDGE. On what basis does the Senator from Nevada assume that the resolution of ratification now before the Senate would not be accepted by the necessary number of nations? Adding to the question, under the disposition we have made of the resolution of ratification by adding reservations to it, do we in any way deny the same privilege to the nations abroad? Can not they also make reservations to the treaty, applying to local or domestic questions, as we have done?

Mr. HENDERSON. Certainly they can if they wish. What I had in mind particularly was in reference to the motion made by the Senator from Georgia [Mr. SMITH] the other day to strike from section 5 the clause relating to the Monroe doctrine, in the words "said doctrine is to be interpreted by the United States alone."

Mr. President, there is no useful purpose that can come from leaving that sentence in the reservation. The reservation is just as strong and just as effective without it. I wish to say that, so far as the United States is concerned, the Monroe doctrine is our policy, but when applied it affects other nations of the Western Hemisphere, and I do not think we should incorporate language in any reservation that might wound the national pride or feelings of any of our sister republics on the Western Hemisphere.

There are other reasons, Mr. President. Why do we do useless and unnecessary things? The President has notified us that the present reservations nullify the treaty. If we adopt it, he will likely return it. If we reject it, it is still before us, unless he calls for it, and then it will come before us again. Why not make an earnest effort to get it with protecting reservations that will answer every purpose and be acceptable to the other nations? I shall oppose any adjournment until this treaty is disposed of to the satisfaction of the American people.

Mr. SMITH of Georgia. Mr. President, I voted for the resolution now pending, and if it comes to a vote I shall vote for it again; but we do not seem to be making any progress. I believe more than two-thirds of the Senate favor ratifying the treaty; I am sure they do. I believe with modifications that would not really affect their value or their strength the present reservations might be changed that the requisite two-thirds vote for ratification could be obtained.

A few moments ago the resolution introduced by the Senator from Nebraska [Mr. HITCHCOCK] was before the Senate referring the treaty back to the Committee of the Whole and directing the Committee of the Whole to report with certain reservations. If the Committee of the Whole had reported to the Senate as directed by the resolution of the Senator from Nebraska, then the whole subject would have been open before the Senate for additional reservations. When I voted for the motion of the Senator from Nebraska it was not because I was satisfied with the reservations he had incorporated in his motion, but because I desired the subject again to be freely before the Senate.

I realize that the Senate seems to be in a deadlock, but I believe it is possible still to do something. Shall we go forward and kill the treaty by having the resolution of ratification again rejected or shall we adjourn until to-morrow, and see if it is possible to get together? I do not desire to make the motion. Unless Senators on the other side are willing to give it some such direction, it is hardly worth while to make it. I throw out that suggestion as one who has voted for the reservations, as one who will vote for them again if the question comes before the Senate simply upon them, but as one who feels that, if some modifications not losing the value of the reservations in their power to protect the United States and the people of the United States may be agreed upon, it is greatly to the interests of our country that this matter should be decided before we adjourn, and that the treaty should be ratified before we adjourn. Of course, if

we adjourn with no action, the treaty goes back to the President; he can send it to us again when we meet in December, and then there will be great delay and more trouble. I believe it to be to the interest of the country to ratify the treaty with proper reservations. That can only be done if Senators upon the other side are willing to give some such direction to it as I have suggested.

SEVERAL SENATORS. Vote!

Mr. SMITH of Georgia. I move that the Senate adjourn.

Mr. BRANDEGEE and Mr. LA FOLLETTE called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. KENDRICK (when his name was called). Making the same announcement as to my pair, I withhold my vote.

Mr. CURTIS (when Mr. NELSON's name was called). I make the same announcement as before with regard to the Senator from Minnesota [Mr. NELSON]. He is paired with the Senator from Texas [Mr. CULBERSON]. I will let this announcement stand for the day.

The result was announced—yeas 42, nays 48, as follows:

YEAS—42.			
Asburt	Henderson	Phelan	Stanley
Bankhead	Hitchcock	Pittman	Swanson
Beckham	Johnson, S. Dak.	Pomerene	Thomas
Chamberlain	Jones, N. Mex.	Randell	Trammell
Dial	King	Robinson	Underwood
Fletcher	Kirby	Sheppard	Walsh, Mass.
Gay	McKellar	Simmons	Walsh, Mont.
Gerry	Myers	Smith, Ariz.	Williams
Gore	Nugent	Smith, Ga.	Wolfert
Harris	Overman	Smith, Md.	
Harrison	Owen	Smith, S. C.	
NAYS—48.			
Ball	France	Lenroot	Poindexter
Borah	Frelinghuysen	Lodge	Reed
Brandeggee	Gronna	McCormick	Sherman
Calder	Hale	McLean	Shields
Capper	Harding	McNary	Smoot
Colt	Johnson, Calif.	Moses	Spencer
Cummins	Jones, Wash.	New	Sterling
Curtis	Kellogg	Newberry	Sutherland
Dillingham	Kenyon	Norris	Townsend
Edge	Keyes	Page	Wadsworth
Elkins	Knox	Penrose	Warren
Fernald	La Follette	Phipps	Watson
NOT VOTING—5.			
Culbertson	Kendrick	McCumber	Nelson
Fall			

So the Senate refused to adjourn.

Mr. WALSH of Massachusetts. Mr. President, I have voted for the ratification of this treaty with the reservations adopted by the Senate. That resolution has been defeated. I have voted repeatedly for parliamentary procedure which would give my party associates upon this side of the Chamber an opportunity to present a program embodying a ratification resolution with such reservations as they desired. It seems to me the time has come when we should talk plainly about our final attitude on this important question.

I believe that the reservations which have been added in the Senate have improved the treaty and covenant, have strengthened it, and have aroused a public sentiment in this country which has helped the whole principle of a league of nations, and which it much needed. I think we have lost sight of the fact that to make this league of nations a success the American people must be enthusiastically behind the league of nations; and if I am any judge of public sentiment in America, the American people want to try out this league of nations, but they also want the reservations which have been proposed in the Senate adopted in order to have no future misunderstanding or uncertainties as to our rights and obligations in this league.

What is the objection made to these reservations? The only objection that can be made, in the last analysis, is this, that our allies will not accept this covenant with these reservations. The only thing the American people have asked out of this war is a union of the nations of the earth, organized to prevent ever again the occurrence of world wars, and to end thereby poverty, misery, suffering, murder, famine, and starvation. That is the only thing the American people have asked or are asking. They have given to the Allies every single other thing they wanted at the peace conference. Can it be said now that our allies will refuse to accept the reservations which the American Congress has added to this covenant? Is that the attitude of our allies? Is that the position which we are to assume—that our allies will not listen to reservations offered by the people of America to help strengthen this league and get behind it the whole public sentiment of America?

There is much sentiment in America against this whole proposition of a covenant for a league of nations. There are many people, and the number is increasing daily, who honestly believe that this is a compact for the maintenance of world peace

upon the theory that "might makes right." There are many people in this country who honestly believe that the necessary principles of justice and righteousness and fair dealing that should underlie this league are removed and that it is the purpose of some of our allied nations to enforce peace by the methods of the oppressor. I say that sentiment has been increasing and growing steadily in this country.

Yet I believe that we owe something to our soldiers. We promised again and again that they were fighting the last war, and that the end of wars had come with this war, and that there never again would be the bloodshed and the misery on earth that came out of this recent war. I therefore have sacrificed some of my convictions and opinions about many of the provisions of this covenant and of this treaty in the hope of accomplishing the end sought. I was willing to go a long way to hold out the chance of ending wars and establishing a permanent peace. I was willing to sacrifice here and there and to give here and there, in order that we might join with the other nations and try the experiment of a union of the nations of the world to end war.

Mr. President, I appeal to the Senators in this Chamber tonight to vote for this treaty and these reservations. How can we, how can any man in public life, defend an attack upon one of these reservations? Are they not all American? Do they not all seek, here and there, to safeguard and protect America's interests, to clarify doubts, to make certain and secure just what America is guaranteeing, and just what America is promising and assuring?

There is little difference between us. It is a difference of form and words, and not of principles. So it seems to me that we should come together, and that we should support the resolution that is pending. I, for one, feel that I have done my duty, and that I can face my constituents and my countrymen and say that I have supported the ratification of this treaty and the covenant for a league of nations with reservations which, though not absolutely satisfactory—I would have had some others added to those that have been added—yet do something to clarify and remove misunderstandings, something to bring about a league of nations for the purpose of ending wars. The resolution in this form at least gives us the chance of an opportunity of trying that experiment; and I, for one, do not want the responsibility of casting my vote in any manner or way here which may possibly deny the American people that opportunity, provided American rights are secure.

If we differed on principle, if there was one reservation here that any American could say was not in the interest of our country, we might have reason to hesitate, reason to fence over position or place.

But I refuse to anticipate that our allies, with whom we have fought, for whom we have suffered, for whom we have sacrificed, to whom we have given so much, will refuse the requests of the American Senate to safeguard and protect American interests by certain reservations. Let us vote to ratify this treaty. Let us vote for these reservations, and let us go home to our constituents and say, "With all its imperfections and all its limitations, we have adopted the treaty and decided to try this experiment." When I say difficulties, I appreciate the tremendous difficulties that our President and his associates had in Paris, and I do not think for one moment it is any criticism of him to be able to find here and there a line, a phrase, an article, that can be amended, changed, or strengthened. We are removed from the atmosphere that he was in. We are here on American soil, as American Senators, and who would deny us the right here to say, "That language is not strong enough," "That is not certain enough," "That is not definite enough"? That is what we have done, and everything about which there has been a substantial difference of principle in this treaty or covenant has been written into the reservations now before us.

Mr. President, I feel it my duty and in the interest of America to vote for the ratification of this treaty with the reservations which have been offered, and I believe if we do that we will make the league of nations more popular in America, we will get behind it a public sentiment that will give it life and vitality, which it needs; give it support, for without the public sentiment of America behind this league it is a failure from the start. Without these reservations it has the sting of death in it.

Mr. OWEN. Mr. President, I should myself prefer to vote for this covenant and treaty without the reservations and without amendment. I supported, however, the reservations which were offered by the Senator from Nebraska [Mr. HERRICK] and voted for them. Still I am not willing to be left in the position of defeating the treaty by rejecting the resolution supported by those who have been demanding stronger reservations in the treaty, and if I am confronted with the necessity of either finally voting for the treaty with the Lodge

reservations or defeating the present ratification of the covenant, I shall vote to ratify.

Mr. President, when conciliation is sought on either side of this Chamber there must be shown some one willing to make concessions, and I say flatly that I am willing to make great concessions if it is necessary to secure the ratification of the treaty. But I do insist it is only fair for those who are truly the friends of the treaty to pursue the parliamentary procedure under which these matters of difference may be considered and by some mutual concessions an arrangement effected that shall command the requisite two-thirds. The friends of the treaty have been divided and conquered by the enemies of the treaty; party and personal pride and prejudice played upon with sad results.

The pending vote can not obtain the necessary two-thirds, and in voting for the Lodge reservations, which are subject to several very serious objections, I do so in a spirit of conciliation with the hope that my example and that of others may break down the barriers of excessive party and personal pride in the interest of our beloved country. We are all Americans, and in foreign affairs we should not divide as Republicans and Democrats, whose divisions are based on domestic differences alone. If I and other of my colleagues make great concessions to you, can you not make some concessions to those of us who very strongly believe in more carefully drawn reservations and who find some few of your reservations too extreme? Will my colleagues from mere pride on both sides of the Chamber refuse to cooperate or to yield in the slightest respect to the sentiments and strong opinions of each other? At a great sacrifice of strongly held opinions I yield much in the hope of promoting the ratification of the treaty.

The VICE PRESIDENT. The question is on agreeing to the resolution of ratification offered by Mr. LODGE. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CURTIS (when Mr. NELSON's name was called). The Senator from Minnesota [Mr. NELSON] is necessarily detained from the Senate, and is paired with the Senator from Texas [Mr. CULBERSON]. If present and not paired, the Senator from Minnesota would vote "aye."

The roll call was concluded.

Mr. CURTIS. I desire to announce that the senior Senator from New Mexico [Mr. FALL] is unavoidably detained from the Senate. Were he present he would vote "nay."

Mr. SHEPPARD. I wish to state that my colleague the senior Senator from Texas [Mr. CULBERSON] would vote "nay" if he were present. He is paired with the Senator from Minnesota [Mr. NELSON].

The roll call resulted—yeas 41, nays 51, as follows:

YEAS—41.			
Ball	Hale	Myers	Spencer
Calder	Harding	New	Storling
Capper	Jones, Wash.	Newberry	Sutherland
Colt	Kellogg	Owen	Townsend
Cummins	Kenyon	Page	Wadsworth
Curtis	Keyes	Penrose	Walsh, Mass.
Dillingham	Lenroot	Phipps	Warren
Edge	Lodge	Pomerene	Watson
Elkins	McCumber	Shields	
Frelinghuysen	McLean	Smith, Ga.	
Gore	McNary	Smoot	
NAYS—51.			
Ashurst	Harris	McKellar	Simmons
Bankhead	Harrison	Moses	Smith, Ariz.
Beckham	Henderson	Norris	Smith, Md.
Borah	Hitchcock	Nugent	Smith, S. C.
Brandeggee	Johnson, Calif.	Overman	Stanley
Chamberlain	Johnson, S. Dak.	Phelan	Swanson
Dial	Jones, N. Mex.	Pittman	Thomas
Fernald	Kendrick	Poindexter	Trammell
Fletcher	King	Ransdell	Underwood
France	Kirby	Reed	Walsh, Mont.
Gay	Knox	Robinson	Williams
Gerry	La Follette	Sheppard	Wolcott
Gronna	McCormick	Sherman	
NOT VOTING—3.			
Culbertson	Fall	Nelson	

The VICE PRESIDENT. On the resolution of ratification the yeas are 41 and the nays 51. The resolution not having received the constitutional two-thirds, it is rejected.

Mr. LODGE. Mr. President, Rule XIII of the Senate provides that—

If the Senate shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent.

The Senate has therefore taken final action. It is still open to the President, under the rule of the Senate, to withdraw the original treaty which he sent in and to resubmit it. So far as the treaty now submitted goes, the final vote has been taken, and I move that the Senate proceed to the consideration of legislative business.

Mr. UNDERWOOD. Mr. President, before that motion is put, I desire to make the point of order that the motion of the Senator from Massachusetts is not in order. Of course, I realize that he has taken the position that the defeat of his resolution, not of the Senate's resolution but his resolution, has ended the life of the treaty so far as the Senate is now concerned. The Chair some days ago, and to-day, ruled that the defeat of this resolution would not prevent the offering of other resolutions for consideration. I think the Chair was right. The Senate to-day determined otherwise, but the real issue before the Senate now is whether the Senator from Massachusetts is right and the final action of the Senate has been taken, or whether the Chair was right in holding that further procedure could take place.

I think that before the question passes from the Senate, the Senate should decide the question itself. I contend that the action of the Senate has not disposed of the treaty of peace, and if it has not, under the cloture rule the motion of the Senator is not in order, because there is no business in order until the treaty has been disposed of, under cloture rule. Of course, if this is a final disposition of the treaty, then the Senator's motion would be in order. I want the Senate to vote on it and decide it as a Senate, and therefore I send to the Secretary's desk and move the adoption of an unconditional ratification of the treaty of peace.

Mr. LODGE. Mr. President, I make no point of order, if we can take the vote at once.

The VICE PRESIDENT. The Secretary will read the resolution submitted by the Senator from Alabama.

The Secretary read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate do advise and consent to the ratification of the treaty of peace with Germany concluded at Versailles on the 28th day of June, 1919.

Mr. UNDERWOOD and Mr. LODGE called for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KENDRICK (when his name was called). I again announce my pair with the senior Senator from New Mexico [Mr. FALL], and because of his absence I withhold my vote. If at liberty to vote, I would vote "yea."

The roll call was concluded.

Mr. CURTIS. I desire again to announce the absence of the senior Senator from New Mexico [Mr. FALL]. If present, he would vote "nay." I also desire to announce the necessary absence of the senior Senator from Minnesota [Mr. NELSON].

The result was announced—yeas 38, nays 53, as follows:

YEAS—38.

Ashurst	Henderson	Overman	Smith, Md.
Bankhead	Hitchcock	Owen	Smith, S. C.
Beckham	Johnson, S. Dak.	Phelan	Stanley
Chamberlain	Jones, N. Mex.	Pittman	Swanson
Dial	King	Pomerene	Underwood
Fletcher	Kirby	Ransdell	Walsh, Mont.
Gay	Kellogg	Robinson	Williams
Gerry	McKellar	Sheppard	Wolcott
Harris	Myers	Simmons	
Harrison	Nugent	Smith, Ariz.	

NAYS—53.

Ball	Gore	McLean	Smoot
Borah	Gronna	McNary	Spencer
Brandeggee	Hale	Moses	Sterling
Calder	Harding	New	Sutherland
Capper	Johnson, Calif.	Newberry	Thomas
Colt	Jones, Wash.	Norris	Townsend
Cummins	Kellogg	Page	Trammell
Curtis	Kenyon	Penrose	Wadsworth
Dillingham	Keyes	Phipps	Walsh, Mass.
Edge	Knox	Poindexter	Warren
Elkins	La Follette	Reed	Watson
Fernald	Lenroot	Sherman	
France	Lodge	Shields	
Frelinghuysen	McCormick	Smith, Ga.	

NOT VOTING—4.

Culberson	Fall	Kendrick	Nelson
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So the resolution of ratification offered by Mr. UNDERWOOD was rejected.

Mr. PITTMAN. Mr. President, under the ruling made by the Chair, as I understand it, and under the view that I take of the parliamentary situation, the treaty can only be disposed of by the Senate by a two-thirds vote; that is, by ratification or by a two-thirds vote to indefinitely postpone. The Senate rules expressly provide that it requires a two-thirds vote to indefinitely postpone. I take it there must be some meaning attached to that.

Again, I believe that it is not within the power of a majority of the Senate to terminate the action of the Senate when it is expressly required that there shall be a two-thirds vote either to ratify the treaty or to dispose of it. I think the treaty is before the Senate now; and, as the ratification resolution presented by the Senator from Massachusetts [Mr. LODGE] has not

received the necessary votes, I do not think it is within the power of the Senate to place the treaty out of this body in any such manner.

I therefore offer a resolution of ratification which I ask may be read and acted on.

Mr. LODGE. Mr. President, I make the point of order—it is clear to my mind—that the treaty is not in the Senate. I yielded to the Senator from Alabama [Mr. UNDERWOOD] and reserved the point of order then. I now make the point of order, and on that I ask for the ruling of the Chair.

The VICE PRESIDENT. The Chair thinks the Chair has ruled on every possible situation. The Chair ruled that the treaty is before the Senate and has been overruled by the Senate three times. The Chair does not think that the Senator from Nevada [Mr. PITTMAN] raises any new question at all that the Senate has not already passed upon.

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry. Is the pending motion the motion of the Senator from Massachusetts to go into legislative session?

The VICE PRESIDENT. The pending motion is the motion to go into legislative session.

Mr. BRANDEGEE. I ask for the yeas and nays on that.

Mr. FLETCHER. Mr. President, I rise to a point of order—

Mr. LODGE. One moment. I yielded to the Senator from Alabama [Mr. UNDERWOOD] and did not make the point of order, as I might then have made it, but I desire now to make a motion in connection with the treaty.

I move to reconsider the vote by which the Senate rejected the resolution of ratification moved by the Senator from Alabama, and pending that motion I move to lay the motion to reconsider on the table. On that motion I demand the yeas and nays.

The yeas and nays were ordered; and, having been taken, resulted—yeas 48, nays 42, as follows:

YEAS—48.

Ball	France	Lenroot	Poindexter
Borah	Frelinghuysen	Lodge	Reed
Brandeggee	Gronna	McCormick	Sherman
Calder	Hale	McLean	Shields
Capper	Harding	McNary	Smoot
Colt	Johnson, Calif.	Moses	Spencer
Cummins	Jones, Wash.	New	Sterling
Curtis	Kellogg	Newberry	Sutherland
Dillingham	Kenyon	Norris	Townsend
Edge	Keyes	Page	Wadsworth
Elkins	Knox	Penrose	Warren
Fernald	La Follette	Phipps	Watson

NAYS—42.

Ashurst	Hitchcock	Phelan	Stanley
Bankhead	Johnson, S. Dak.	Pittman	Swanson
Beckham	Jones, N. Mex.	Pomerene	Thomas
Chamberlain	King	Ransdell	Trammell
Dial	Kirby	Robinson	Underwood
Fletcher	McCumber	Sheppard	Walsh, Mass.
Gay	McKellar	Simmons	Walsh, Mont.
Gerry	Myers	Smith, Ariz.	Williams
Harris	Nugent	Smith, Ga.	Wolcott
Harrison	Overman	Smith, Md.	
Henderson	Owen	Smith, S. C.	

NOT VOTING—5.

Culberson	Gore	Kendrick	Nelson
Fall			

So Mr. LODGE's motion to lay the motion to reconsider on the table was agreed to.

Mr. LODGE. I now renew my motion that the Senate proceed to the consideration of legislative business.

Mr. FLETCHER. I make the point of order that the business next in order would be to communicate to the President the various resolutions and action thereon relative to the treaty.

Mr. LODGE. That order is not necessary. It was so held by the Senate in the case of the Chamberlain-Bayard treaty, which was rejected as this has been.

Mr. FLETCHER. I observe that nearly all the precedents are to the contrary.

Mr. LODGE. It has been done many times, but it was held in the case of that treaty that it was not necessary, and it is not necessary. I am sure the President will take official notice of the action of the Senate.

Mr. FLETCHER. I should like a ruling of the Chair on the point of order as made anyway.

The VICE PRESIDENT. Well, the Chair overrules the point of order.

RETURN TO LEGISLATIVE SESSION.

Mr. LODGE. Mr. President, I renew my motion that the Senate proceed to the consideration of legislative business.

The VICE PRESIDENT. The question is on the motion of the Senator from Massachusetts that the Senate proceed to the consideration of legislative business.

The motion was agreed to.

END OF WAR WITH GERMANY.

Mr. LODGE. Mr. President, I desire to offer a concurrent resolution, which I ask to have read and referred to the Committee on Foreign Relations.

The VICE PRESIDENT. The resolution submitted by the Senator from Massachusetts will be read.

The resolution (S. Con. Res. 17) was read and referred to the Committee on Foreign Relations, as follows:

Whereas by resolution of Congress adopted April 6, 1917, and by reason of acts committed by the then German Government, a state of war was declared to exist between that Government and the United States; and
Whereas the said acts of the German Government have long since ceased; and
Whereas by an armistice signed November 11, 1918, hostilities between Germany and the allied and associated powers were terminated; and
Whereas by the terms of the treaty of Versailles Germany is to be at peace with all the nations engaged in war against her whenever three Governments, designated therein, have ratified said treaty: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the said state of war between Germany and the United States is hereby declared to be at an end.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a concurrent resolution extending the time within which the Joint Special Committee on the Pilgrim Tercentenary shall report to January 10, 1920, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to a resolution giving the consent of the House of Representatives to an adjournment sine die of the Senate at any time prior to December 1 when the Senate shall so determine.

The message further announced that the House had passed the bill (S. 2961) authorizing the county of Accomac, Va., to construct certain bridges to connect Chincoteague Island and the mainland, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 425. An act to establish the Zion National Park in the State of Utah;

S. 3319. An act to provide for the reimbursement of the United States for motive power, cars, and other equipment ordered for railroads and systems of transportation under Federal control, and for other purposes;

S. 3332. An act authorizing the board of county commissioners of the county of Hartford, in the State of Connecticut, to construct a bridge across the Connecticut River between Windsor Locks and East Windsor, at Warehouse Point, in said county and State; and

H. J. Res. 249. Joint resolution to continue the control of imports of dyes and coal-tar products.

RAILROAD CONTROL.

Mr. CUMMINS. I move that the Senate proceed to the consideration of Senate bill 3288, which is commonly known as the railroad-control bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3288) further to regulate commerce among the States and with foreign nations and to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended.

Mr. CUMMINS. I now ask that the bill be temporarily laid aside.

The VICE PRESIDENT. Without objection, it is so ordered.

ACTION OF FEDERAL RESERVE BOARD.

Mr. OWEN. Mr. President, the Federal Reserve Board and the officials of the Federal reserve bank have been charged unfairly with causing a panic in the stock market, and for that reason I asked for a statement of the facts. I submit to the record the letter of the Federal Reserve Board, which fully explains the matter, and to which I invite the attention of the Senate. I ask unanimous consent that the letter, which is of importance to the country, may be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

FEDERAL RESERVE BOARD,
OFFICE OF THE GOVERNOR,
Washington, November 17, 1919.

MY DEAR SENATOR: Receipt is acknowledged of your letter of the 14th instant.

The Federal reserve act is intended for the benefit of commerce and industry and not for the stimulation of the invest-

ment market or of speculative movements. The short title of the act reads, as follows:

"An act to provide for the establishment of Federal reserve banks, to furnish an elastic currency, to afford means of rediscounting commercial paper, to establish a more effective supervision of banking in the United States, and for other purposes." Section 13 of the act provides, in part, that Federal reserve banks may discount notes, drafts, and bills of exchange arising out of actual commercial transactions; that is, notes, drafts, and bills of exchange issued or drawn for agricultural, industrial, or commercial purposes, or the proceeds of which have been used, or are to be used, for such purposes. It provides further that nothing contained in the act shall be construed to prohibit such notes, drafts, and bills of exchange, secured by staple agricultural products, or other goods, wares, or merchandise from being eligible for such discount; "but such definition shall not include notes, drafts, or bills covering merely investments or issued or drawn for the purpose of carrying or trading in stocks, bonds, or other investment securities, except bonds and notes of the Government of the United States."

The board has repeatedly called attention to the fact that resources obtained from the Federal reserve banks should not be used for speculative purposes, and at various times when there has been unusual speculative activity it has issued public warnings as to the bad effect of such activities upon the banking situation. The first warning of this kind was issued as long ago as October, 1915, and the warning has been repeated on several occasions since that date when conditions made it necessary.

On June 10, 1919, the board made public a letter, which it had addressed to all Federal reserve agents, reading as follows:

The Federal Reserve Board is concerned over the existing tendency toward excessive speculation, and, while ordinarily this could be corrected by an advance in discount rates at the Federal reserve banks, it is not practicable to apply this check at this time because of Government financing. By far the larger part of the invested assets of Federal reserve banks consists of paper secured by Government obligations, and the board is anxious to get some information on which it can form an estimate as to the extent of member-bank borrowings on Government collateral made for purposes other than for carrying customers who have purchased Liberty bonds on account, or other than for purely commercial purposes.

This letter was sent out for the purpose of ascertaining to what extent Government obligations were being used to secure loans from the Federal reserve banks for other than commercial purposes or for carrying subscriptions.

In its monthly publication, the Federal Reserve Bulletin, the board has called attention repeatedly since that date to the dangerous speculative tendencies which have been prevalent.

In a printed statement during the summer, the board made the specific announcement that it would not sanction any policy which would require the Federal reserve banks to withhold credits demanded by commerce and industry for the processes of production and distribution in order to enable member banks to furnish cheap money for speculative purposes.

In ordinary circumstances and normal times one check would have been to advance discount rates, but owing to the fact that the Government has sold over \$21,000,000,000 of Liberty bonds and Victory notes, many of which securities have been sold to persons who were unable to pay for them in full but were obliged to pay for them in installments out of savings or accrued incomes, it was felt that an advance in the discount rate on notes secured by Government obligations should, so far as possible, be avoided.

The speculative movement continued, its demands on the banks for credit coming on top of commercial requirements, of the seasonal crop-moving demand, and of demands arising out of the unusual congestion of export commodities at ports owing to the delays in transportation. As a consequence of these conditions, the reserves of the Federal reserve banks began to decline, and those of the Federal Reserve Bank of New York in particular dropped to such an extent that the board about two weeks ago approved an increase in discount rates of that institution averaging about one-half of 1 per cent. All other Federal reserve banks shortly afterwards expressed the desire to put into effect a similar advance in their rates, which the board approved.

The Federal Reserve Bank of New York on November 2, the date on which the advance in its rates was made public, issued the following statement supplementing the repeated warnings of the board:

The reason for the advance in rates announced to-day by the Federal Reserve Bank of New York is the evidence that some part of the great volume of credit, resulting from both Government and private borrowing, which war finance required, as it is released from time to time from Government needs, is being diverted to speculative employment rather than to reduction of bank loans. As the total volume of the Government's loans is now in course of reduction corresponding reductions in bank loans and deposits should be made in order to insure an orderly return of normal credit conditions.

Notwithstanding this notice, activities on the exchanges continued and the reserves of the Federal reserve bank still declined. During the week ending November 8 the Federal Reserve Board sold to other Federal reserve banks \$90,000,000 of acceptances for account of the Federal Reserve Bank of New York, but in spite of this action the reserves of the New York bank fell to 40 per cent. In these circumstances, in order to prevent further expansion, it became necessary to call the attention of the large rediscounting banks to the situation.

The high rates for call money which have prevailed continuously for the past two weeks and intermittently for several months past were in themselves very clear indications of the strained position into which the unbridled speculation had thrown the stock market and rendered a readjustment inevitable unless the resources of the Federal reserve banks were to be indirectly drawn upon for stock-market purposes. The public has had ample notice of the board's policy.

You are so familiar with the Federal reserve act that it is hardly necessary to call your attention to that paragraph of section 4 which treats of the duties of the board of directors of a Federal reserve bank, and which provides that "said board shall administer the affairs of said bank fairly and impartially and without discrimination in favor of or against any member bank or banks and shall, subject to the provisions of law and the orders of the Federal Reserve Board, extend to each member bank such discounts, advancements, and accommodations as may be safely and reasonably made with due regard for the claims and demands of other member banks." This would, of course, afford means for a strict rationing of credits should such an extreme course ever become necessary. It is interesting to note that there no longer exists in the mind of the public or, in fact, a connection between call-money rates and the commercial paper market, and it must be gratifying to all those interested in sound banking methods that the events of the past week have had no effect upon the market for commercial paper.

Very truly, yours,

W. P. G. HARDING, Governor.

Hon. R. L. OWEN,

United States Senate.

PROPOSED FINAL ADJOURNMENT.

Mr. LODGE. I move that the Senate adjourn sine die.

The VICE PRESIDENT. The question is on the motion of the Senator from Massachusetts that the Senate adjourn sine die.

Mr. ROBINSON, Mr. LODGE, and others called for the yeas and nays.

The yeas and nays were ordered, and, having been taken, resulted—yeas 5, nays 84, as follows:

YEAS—5.			
Elkins	Johnson, Calif.	Knox	McLean
France			
NAYS—84.			
Ashurst	Hale	Myers	Smith, Ariz.
Ball	Harding	New	Smith, Ga.
Bankhead	Harris	Newberry	Smith, Md.
Beckham	Harrison	Norris	Smith, S. C.
Brandegee	Henderson	Nugent	Smoot
Calder	Hitchcock	Overman	Spencer
Capper	Johnson, S. Dak.	Owen	Stanley
Chamberlain	Jones, N. Mex.	Page	Sterling
Colt	Jones, Wash.	Penrose	Sutherland
Cummins	Kellogg	Phelan	Swanson
Curtis	Kenyon	Phipps	Thomas
Dial	Keyes	Pittman	Townsend
Dillingham	King	Poindexter	Trammell
Edge	Kirby	Pomerene	Underwood
Fernald	La Follette	Ransdell	Wadsworth
Fletcher	Lenroot	Reed	Walsh, Mass.
Frothinghuysen	Lodge	Robinson	Walsh, Mont.
Gay	McCormick	Sheppard	Warren
Gerry	McCumber	Sherman	Watson
Gore	McKellar	Shields	Williams
Gronna	McNary	Simmons	Wolcott
NOT VOTING—6.			
Borah	Fall	Moses	Nelson
Culberson	Kendrick		

So the Senate refused to adjourn sine die.

EXECUTIVE SESSION.

Mr. LODGE. Mr. President, I made the motion to adjourn sine die forgetting a promise I had made to several Senators to have an executive session in order to dispose of certain important nominations. It was for that reason that I changed my own vote and asked other Senators to do likewise.

I now move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 35 minutes spent in executive session the doors were reopened.

RAILROAD CONTROL—VETO MESSAGE.

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). The Chair lays before the Senate the following message from the President of the United States, which will be read.

The Secretary read the veto message of the President, as follows:

To the Senate:

I return herewith without my approval Senate bill 641, entitled "An act to amend section 10 of an act entitled 'An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes,' approved March 21, 1918."

This bill deprives the Government of the United States, while still charged with the exclusive responsibility for operating the railroads during Federal control, of any power to make any change in any intrastate rate, fare, charge, classification, regulation, or practice without having first secured the approval of the proper State regulating tribunal, whereas under the Federal control act as originally enacted the Government of the United States had the same power to determine these intrastate matters as it had to determine similar matters of an interstate character.

The immediate effect of such a change in the law would be to deprive the Federal Government of the ability to cope promptly, and decisively with operating emergencies which are now arising and must continue to arise during the existing period of heavy traffic. Recently the Railroad Administration found that refrigerator cars were being unduly detained by consignees at a time when there was urgent demand for an enlarged transportation use of such cars. The Railroad Administration was able substantially and promptly to correct this situation by the imposition of an emergency charge. Such step could not have been taken promptly if it had been necessary to consult also the State authorities throughout the Union. Since the authorities of each State would under this bill have the full power to exercise an independent judgment, the probable result would have been, if this bill had been in effect, to prevent any uniform practice at all, notwithstanding the fact that the Federal Government was the sole operator of the railroads and as such conducting the intrastate operations as well as the interstate operations.

At the present time the Railroad Administration is proceeding with an important measure to secure the heavier loading of cars with grain and grain products so as to meet more fully the urgent need for a greater transportation of those commodities. If it should be necessary to obtain the independent judgment of each State tribunal, the delay would probably be so great as to defeat the purpose of the plan.

The matters I have mentioned are illustrative of pressing practical emergencies which must be dealt with promptly if they are to be dealt with effectively, and while the Federal Government alone is responsible for railroad operation it ought to have within itself the power to deal with these problems. The practice of the Railroad Administration to secure the advice of the Interstate Commerce Commission upon matters of importance reasonably insures an adequate representation of the public interest and avoids the divided action and inevitable delay which would result if each State authority should have exclusive and final power as to regulation of all matters of intrastate traffic within its borders.

Beyond these pressing practical exigencies I feel that it is a far sounder general principle to vest in the Federal Government the power to raise the revenue to operate the railroads when the Federal Government alone is responsible for paying the bills for their operation.

In a country of such great extent it is undoubtedly desirable to get the fullest practicable benefit of local advice upon local matters, and this is equally as much to be desired in respect of local interstate rates and practices in a given portion of the country as in respect of intrastate rates and practices covering a similar extent in the same locality. It is the policy and practice of the Railroad Administration, which I heartily indorse, to secure, as far as practicable, the full benefit of the suggestions of the State authorities, both as to intrastate rates and as to local interstate rate, but in the last analysis, while the Federal Government is solely responsible, it seems to me that entirely independent and final power as to a large proportion of these vital matters should not be transferred to the respective States.

The broad question of general principle which I have just discussed might perhaps be waived in view of the short duration of Federal control, but the practical emergencies to which I have first referred are matters with which the Federal Government must deal day by day in the discharge of its responsibility,

and I do not think its ability to deal with them promptly and conclusively should be impaired even during a brief period of Federal control.

The leading principle of this bill, which is to give the Interstate Commerce Commission power, pending its decision thereon, to suspend rates, practices, etc., initiated by the President, is entirely acceptable to me, although if in the future the bill should be recast I should hope to see some modification in detail which would avoid attaching a presumption of unreasonableness (as this bill appears to do) to changes so initiated in rates, practices, etc. I should also hope to see another modification which would avoid any possibility of bringing in question the validity of orders which already have been made by the Railroad Administration in the discharge of its responsibilities.

WOODBOW WILSON.

THE WHITE HOUSE,
18 November, 1919.

Mr. CUMMINS. I ask that the message may lie on the table and be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

PETITIONS AND MEMORIALS.

Mr. JONES of Washington presented a petition, signed by 1,818 Minute Men, of Seattle, Wash., praying for the deportation of certain aliens, which was referred to the Committee on Immigration.

He also presented petitions and telegrams in the nature of petitions from sundry citizens of Tacoma, Northbend, Chehalis, Bellingham, and Tonasket, all in the State of Washington, praying for the enactment of legislation providing punishment for persons who advocate the overthrow of the Government and stir up strife and labor strikes, and praying for the deportation of those aliens who hold such principles, which were referred to the Committee on the Judiciary.

Mr. HALE presented a memorial of the Central Labor Union, of Rumford, Me., remonstrating against the passage of the so-called Cummins bill providing for private ownership of railroads, which was ordered to lie on the table.

Mr. COLT presented a petition of sundry World War veterans and citizens of the State of Rhode Island, praying for the enactment of legislation granting an additional bonus to discharged soldiers and sailors, which was referred to the Committee on Military Affairs.

Mr. ELKINS presented a memorial of Local Division No. 190, Brotherhood of Railway Conductors, of Grafton, W. Va., remonstrating against the passage of the so-called Cummins bill providing for private ownership of railroads, which was ordered to lie on the table.

Mr. SMOOT presented a petition of Robert E. Lee Chapter No. 737, United Daughters of the Confederacy of the State of Utah, praying for the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. STERLING, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 848) to reimburse Isaiah Stephens, postmaster at McMechen, Marshall County, W. Va., for money and postage stamps stolen, reported it without amendment and submitted a report (No. 307) thereon.

He also, from the same committee, to which was referred the bill (S. 849) to reimburse S. S. Buzzard, postmaster at Berkeley Springs, Morgan County, W. Va., for cash stolen, reported it without amendment and submitted a report (No. 308) thereon.

He also, from the same committee, to which was referred the bill (S. 1739) for the relief of Joel J. Booth, submitted an adverse report (No. 309) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. CALDER, from the Committee on Commerce, to which was referred the bill (S. 3418) to amend an act entitled "An act to provide for the lading or unlading of vessels at night, the preliminary entry of vessels, and for other purposes," approved February 13, 1911, reported it without amendment and submitted a report (No. 306) thereon.

EMPLOYMENT OF ASSISTANT CLERK.

Mr. CALDER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 225, submitted by Mr. LODGE on the 10th instant, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the resolution of the Senate No. 49, agreed to on June 6, 1919, authorizing the Committee on Foreign Relations to employ an assistant clerk, to be paid out of the contingent fund of the Senate, during the present session of Congress be, and the same hereby is, extended and continued in full force and effect during the remainder of the present Congress.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. THOMAS:

A bill (S. 3450) to provide for the organization and training of a railroad army reserve force, to aid in the operation of the railroads of the United States in time of emergency, and for other purposes; to the Committee on Military Affairs.

By Mr. JONES of Washington:

A bill (S. 3451) authorizing the United States Shipping Board to adjust the equitable claims of wooden-ship builders arising out of the prosecution of the war; to the Committee on Commerce.

By Mr. NEWBERRY:

A bill (S. 3452) granting the consent of Congress to the city of Detroit, Mich., a municipal corporation, to construct, maintain, and operate a bridge across the American channel of the Detroit River to Belle Isle; to the Committee on Commerce; and

(By request.) A bill (S. 3453) to punish violation of the eighteenth amendment to the Constitution by American citizens in certain foreign countries; to the Committee on Foreign Relations.

By Mr. WATSON:

A bill (S. 3454) granting an increase of pension to Frank Pender (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 3455) conferring jurisdiction on the Court of Claims for adjudging the rights of the Ojibwa and Missouri Tribes of Indians for compensation on a basis of guardian and ward, and conferring jurisdiction on the Court of Claims to adjust the claims between the Ojibwa and Missouri Tribes of Indians and the Omaha Indians to certain moneys received by the Omaha Indians; to the Committee on Claims.

By Mr. ELKINS:

A bill (S. 3456) granting an increase of pension to Jess Musgrave; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 3457) to amend section 165 of the Revised Statutes of the United States, act of July 12, 1870; to the Committee on Civil Service and Retrenchment.

By Mr. FLETCHER:

A joint resolution (S. J. Res. 127) to authorize the Secretary of War to permit the temporary use and occupancy of Camp Johnston at Jacksonville, Fla., or any portion thereof by the University of the South, of Seawee, Tenn.; to the Committee on Military Affairs.

SENATE PAGES.

Mr. CALDER submitted the following resolution (S. Res. 234), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the 21 pages for the Senate Chamber now in the employ of the Senate be retained and continued as such pages aforesaid from the day after the adjournment of the present session of the Congress to the 30th day of November, 1919, at the rate of \$3 per day each, to be paid from the miscellaneous items of the contingent fund of the Senate.

Mr. CALDER subsequently, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the foregoing resolution, reported it favorably without amendment, and it was considered by unanimous consent and agreed to.

WAR CLAIMS AND CONTRACTS.

Mr. MYERS. Mr. President, I present a letter from Hon. C. F. Kelley, of Montana, president of the Anaconda Copper Mining Co., written in reply to some charges made against copper companies with which he is connected and against other copper companies, growing out of transactions with the Government during the war, made in a report of a subcommittee of the House of Representatives on the expenditures of the War Department. The report of that subcommittee was given publicity through the House, and I ask that Mr. Kelley's letter may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NOVEMBER 15, 1919.

Senator HENRY L. MYERS,
United States Senate, Washington, D. C.

DEAR SENATOR MYERS: On November 11, 1919, Mr. GRAHAM of Illinois, from the Select Committee on Expenditures in the War Department, submitted a report, designated as Report No. 403, to which I wish to invite your attention in connection with some of the statements made therein. The report says:

"The subcommittee, among other matters, has investigated the following settlements of war claims and contracts, to wit:"

Here follows a list of contracts, together with the names of the corporations with whom they were made, concluding with "The United Metals Selling Co.'s contract for copper."

The next paragraph contains the following:

"In the last case cited, that of the United Metals Selling Co., immense profits were made by the producers of copper by virtue of a combination of the low-priced copper producers, which combination was aided and encouraged by the Government, although in violation of the law of the land."

"In some of the cases cited the committee is of the opinion that constructive if not actual fraud occurred, vitiating the settlements. The committee is of the opinion that millions of dollars are involved in these settlements which the Government might have a right to recover if a proper review of such settlements were made."

The foregoing, whether intentional or not, is an incorrect statement regarding the position of the copper producers, and particularly of the United Metals Selling Co., which is a subsidiary company of the Anaconda Copper Mining Co.

In the statement quoted two alleged facts are apparently complained of: First, that immense profits were made by copper producers; and, second, that such profits resulted from a combination of low-priced producers, which combination was, although illegal, aided and encouraged by the Government.

In view of the apparent criticism contained in the foregoing statements, and the impression which it is intended shall be created therefrom, I desire, on behalf of the Anaconda Copper Mining Co. and the United Metals Selling Co., to protest vigorously against the above statements contained in the report.

First, as to immense profits:

Following the outbreak of the European war in 1914 a period of almost complete suspension of business followed in the American copper industry, due to the immediate interruption of exports, which constituted at the time nearly 60 per cent of the entire volume of business. Such production as was made during the balance of the year was without profit, the price dropping to approximately 11 cents per pound.

Early in 1915 the war demand began to be felt, and from that time on to the time of the entry of the United States into the war, both price and production steadily increased, the average price for 1916 being 27.2 cents per pound. At the close of 1916 the price had advanced above 30 cents per pound, and contracts for delivery during the first quarter of 1917 were being made, covering the entire production, at from 31 to 33 cents per pound.

About this time the United States Government wished to purchase a large amount of copper in connection with the preparedness program which had been decided upon. The newly organized Advisory Council of Defense took up the matter of this purchase with the copper producers, with the result that with practical unanimity it was agreed to furnish the copper required at the price of 16½ cents per pound, which represented the average price of copper over a period of 10 years.

This action marked the first step of cooperative effort between the Government and the American industry that was one of the striking accomplishments of the war. The copper producers were widely commended for the action they had taken, and from thence to the conclusion of the war they cooperated 100 per cent with the Government.

Shortly after our entry into the war it became known that the Government contemplated adopting the policy of price fixing and that copper would probably be one of the first commodities considered. Moreover, it became known that, inasmuch as practically the entire output of copper was required for munition purposes, the Government intended to fix the price, not only for itself but for the allied Governments and all other consumers as well, taking charge of the entire production and making such allocation thereof as it saw fit to do. The result was that buying in quantity ceased and the price declined to the low level of twenty-six and a fraction cents per pound immediately preceding the fixing of the price, in September, 1917. The price fixed was 23½ cents per pound, accompanied by the condition that wages, which throughout the copper industry were generally based upon a sliding scale, should not be reduced. The net result to the producers was a cut from existing price of between 4 and 5 cents per pound.

Had it not been for the knowledge that the Government intended to fix the price it is unquestionably true that copper would have sold throughout 1917 and 1918 to the conclusion of hostilities at a price above that which prevailed at the end of 1916, so that in so far from being benefited by the policy of price fixing, the enormous decrease in profit which it meant to the copper producers is at one apparent.

The price remained at 23½ cents per pound, notwithstanding the enormous increase in the cost of production, which was steadily growing, until July, 1918, when the price was advanced to 26 cents per pound. This advance was not made until after the order had been made by the Railroad Administration increasing freight rates. While the general advance in this respect was about 25 per cent, the advance on all copper coming from the Rocky Mountain region, and which constitutes the great bulk of the copper production of the United States, was from 60 to 80 per cent. At the same time there occurred a further advance in wages, made necessary by the increases which were being paid largely in essential industries conducted by the Government, so that the 2½ cents advance was scarcely sufficient to meet the advance in the items of freight and wages alone, leaving nothing to cover the advanced cost of all other supplies, materials, and factors of expense which enter into copper production. The price of 26 cents per pound remained, then, the fixed price to the close of the war.

Following the assumption of control over the business the Government refused to enter into contracts for large amounts of copper, while it, at the same time, was insistent upon the maximum production being maintained. The result was that at the conclusion of hostilities the copper companies were carrying, in various stages of manufacture from ore to finished copper, a surplus in excess of what would be carried under normal business conditions, of approximately 500,000,000 pounds. The production had reached a rate of approximately 225,000,000 pounds per month, against which, on the date of the armistice, the industry held orders from the United States Government for less than 50,000,000 pounds. What happened is a matter of common knowledge. A complete suspension of business followed, with practically no copper being sold until March of 1919, since which date there has been a fair domestic demand, but practically no export trade. Any temporary advantage obtained through high prices during the war has been more than offset by the staggering load under which the copper industry has been placed as the necessary result of the situation created by the war.

From the foregoing it will be discerned how utterly without foundation is the charge of immense profiteering by the copper industry.

Second, as to the charge of unlawful combination, aided and abetted by the Government:

When, as above narrated, the Government took practically the entire charge of the industry it found that through the selling agencies which existed there had been developed a highly organized method for the distribution of the production. Acting under the directions of the War Industries Board, the selling agencies, which represented all of the American producers, were combined into a committee. This committee functioned throughout the war practically as a governmental agency, inasmuch as all production was held to the order of the United States Government, which became, in fact, the sole buyer, it in turn allocating to the Allied Governments and essential industries their respective proportions of the production. There could be no possible objection, from a legal or a business standpoint, to this arrangement, while, on the other hand, there were many points of advantage in it to the Government.

Under the arrangement which was perfected, the United Metals Selling Co. became the agency through which the entire domestic consumption was distributed. The American Smelting & Refining Co.'s agency was selected to handle the export business in a similar manner. In undertaking this duty the United Metals Selling Co. acted under the direction of the War Industries Board. It had no other interest in the matter than that of cooperating between the Government and the various copper producers, and while the domestic business was done practically entirely in its name, it acted in this respect for all American producers, receiving absolutely no compensation for its services, and making no profit of any kind whatsoever out of the transaction, save as it collected from its regular customers the usual prewar selling commission which had been fixed by contracts, all of which antedated the war period, and none of which had anything to do with the duties which it performed in connection with the matters which are herein stated.

Under the foregoing circumstances I protest most vigorously against the statements made in the report to which I have referred, as casting an unwarranted and unjustified reflection, first, upon the entire copper industry, which perhaps sacrificed more of material advantage incidental to the furnishing of its total product for the purposes of our Government and its allies in the war than any other industry; and second, for having the charge of unlawful action made against what was an unselfish and patriotic service rendered at the instance of those who were endeavoring to bring about cooperative effort between American industry and the Government, which was so vitally essential and which contributed so largely to the results which were accomplished.

Very truly, yours,

C. F. KELLEY.

LEAGUE OF NATIONS.

Mr. GRONNA. Mr. President, I ask to have inserted in the RECORD an article from the Australian Worker.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Australian Worker, Sept. 25, 1919.]

HUGHES AND THE BIG BETRAYAL.

No one desires to rob Mr. Hughes of the éclat with which he is being regaled. He revels in it, and there are those in the community who must periodically get this sort of thing off their chest.

But there are others to whom these effervescent splashes make no appeal, and it is with these that Mr. Hughes will yet have to reckon.

His capers in Europe have not gone unnoticed, and whatever he may declaim to-day as being "a socialist," or even democrat, his present boastings will weigh but little in view of his continental defections.

Nor will people fail to remember the class of papers that have boosted him, the worse than Tory company he has kept, and the species of femininity which, deploring England's dearth of "great" men, frantically urged his speedy return.

Mr. Hughes will be judged by many, even by the fight he put up for grabbing the islands as a renegade to democracy.

One important point in this betrayal is called to mind by his speech before Parliament on the peace terms and league of nations.

"I have always held," he said, "that the acceptance of the 14 points was an error, because they did not guarantee to Australia her rights."

This quotation immediately discloses Mr. Hughes's attitude of mind and his standing from the democratic viewpoint; whilst incidentally it raises the question: What "rights" as pertaining to the Australian people did the acceptance of Wilson's points imperil?

But there is a precedent and more important question which Mr. Hughes does not raise, viz: Were Wilson's points in themselves democratic, and as such were they right and just and fair? If not, why were they "accepted"?

But Mr. Hughes's "indicated" error proves to be a subterfuge. Those 14 points were never accepted, in the sense of being honored. How, then, could Australia be damaged?

It is true the Allies at the armistice gave an undertaking that those points should form the basis of a peace settlement. But one by one those points were jettisoned, until every one had gone by the board. Against this deliberate and wicked breach of a democratic covenant Mr. Hughes uttered no word of protest. The moral scandal involved made no appeal to his ethical sense.

The points treacherously violated included: No annexations; no punitive indemnities; no secret treaties; no economic barriers; evacuation of all Russia; freedom of the seas; integrity and independence of small nations; and the reduction of armaments to the lowest point.

Every one of these were ruthlessly sacrificed. Yet at this time of day Mr. Hughes comes along and says the "acceptance" of these points was an "error," and one jeopardizing Australian rights. Who is the prime minister seeking to fool?

The abandonment of these points, after being solemnly subscribed to by the nations constituting the peace conference, was an immorality only second to that of the war itself.

It is this one damning fact which has sent Woodrow Wilson home a despised, dejected, and defeated man. The diplomatic tricksters were too much for him. They euhmed him at every point, and for a mess of miserable pottage they sold the oppressed democracies of Europe.

Never had statesman such a chance of remaking this Old World as had Wilson. Never did man go to a conference equipped with a grander program.

Every trump card was his. Ships were at his disposal. The remaining money in the world was in his hands, as also the food supplies with which to enforce his demands. Yet he failed! And why? Because, when he discovered that the diplomatic plunderers at the conference had no intention of honoring their solemn vows regarding his points he did not summarily leave the table and walk out.

Instead he side-stepped on his first point—no annexations—and, that surrendered, the rest of the base betrayal became easy.

And it was to this betrayal of the peoples, and this trifling with the world's peace, that Mr. Hughes became not only a consenting but a clamorous party.

And yet he talks about the "acceptance" of the 14 points as an "error" imperilling Australian "rights." What jugglery! What hypocrisy! What cant!

And it is this treachery which has made the peace treaty the laughing-stock of the world, carrying within it more perilous possibilities than ever the war itself created. But Mr. Hughes goes further and threatens betrayal of even the league of nations itself, of which he was a signatory. Listen: "It is well to make it clear at the outset that Australia will not regard anything relating to the Pacific as proper for submission to the decision of the international tribunal." And this traitorous and deliberate flouting of the league was "cheered" by the House. President Wilson, speaking for the league only a few weeks ago, said: "The Pacific islands are not given to Australia. She holds them in trust for the league of nations, and every 12 months must render an account of her trusteeship, and if not satisfactory other arrangements will be made."

But Mr. Hughes defies this dictum, and no "decision" of any "international tribunal" will weigh with him. We have in Mr. Hughes's filibustering attitude a positive peril, and if permitted will render any leagues of nations impossible, so far as we are concerned.

A. RIVETT.

INTERNATIONAL LAW AND THE TREATY OF PEACE.

Mr. REED. Mr. President, I ask to have printed as a public document a comparative analysis of the covenant and treaty at Versailles of June 28, 1919, with the articles of the settlement and the applicable principles of the law of nations set out in parallel columns. The analysis is by Sterling E. Edmunds, R. L. D., lecturer on international law, St. Louis University Law School and former assistant in the Department of State. It is a very valuable article and I think will be of great service to Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

LANDING OF THE PILGRIMS.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution of the House of Representatives, which was read:

Resolved by the House of Representatives (the Senate concurring), That the time within which the Joint Special Committee on the Pilgrim Tercentenary shall report is hereby further extended to January 10, 1920.

Mr. HARDING. I move that the Senate concur in the resolution of the House.

The resolution was agreed to.

CHINCOTEAGUE ISLAND (VA.) BRIDGES.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2961) authorizing the county of Accomac, Va., to construct certain bridges to connect Chincoteague Island and the mainland, which were, on page 1, line 3, to strike out "county of Accomac, in the State of Virginia," and insert: "Chincoteague Toll Road & Bridge Co. (Inc.), a corporation created by and existing under the laws of the Commonwealth of Virginia"; and to amend the title so as to read: "An act authorizing the Chincoteague Toll Road & Bridge Co. (Inc.), a corporation created by and existing under the laws of the Commonwealth of Virginia, to construct certain bridges to connect Chincoteague Island and the mainland."

Mr. SWANSON. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

METROPOLITAN POLICE—CONFERENCE REPORT.

Mr. SHERMAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to H. R. 9821, "An act to amend an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"That paragraphs 2, 8, and 9 of section 1, of the act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901, as amended by the act approved June 8, 1906, entitled 'An act to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901,' are hereby amended to read as follows:

"PAR. 2. The commissioners of said District shall appoint to office, assign to such duty or duties as they may prescribe,

and promote all officers and members of said Metropolitan police force: *Provided*, That all officers, members, and civilian employees of the force, except the major and superintendent, the assistant superintendents, and the inspectors, shall hereafter be appointed and promoted in accordance with the provisions of an act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, as amended, and the rules and regulations made in pursuance thereof, in the same manner as members of the classified civil service of the United States: *Provided further*, That hereafter the assistant superintendents and inspectors shall be selected from among the captains of the force and shall be returned to the rank of captain when the commissioners so determine: *Provided further*, That privates of class 1, if found efficient, shall serve one year on probation, privates of class 2 shall serve two years subsequent to service in class 1, and privates of class 3 shall include all those privates who have served efficiently three or more years."

"PAR. 8. That the annual basic salaries of the officers and members of the Metropolitan police of the District of Columbia shall be as follows: Major and superintendent, \$4,500; assistant superintendents, \$3,000 each; inspectors, \$2,400 each; police surgeons, \$1,600 each; captains, \$2,400 each; lieutenants, \$2,000 each; sergeants, \$1,800 each; privates of class 3, \$1,000 each; privates of class 2, \$1,500 each; privates of class 1, \$1,400 each. Members of said police force who may be mounted on horses, furnished and maintained by themselves, shall each receive an extra compensation of \$540 per annum; and members of the said force who may be mounted on motor vehicles, furnished and maintained by themselves, shall each receive an extra compensation of \$480 per annum; and members of the said force who may be mounted on bicycles shall each receive an extra compensation of \$70 per annum: *Provided*, That patrol drivers of the Metropolitan police are hereby declared to be members of the Metropolitan police of the District of Columbia, but shall not be rated above class 2 privates, and those patrol drivers who have been appointed since April 6, 1917, shall be required to pass the usual physical and other tests required for members of the regular force: *Provided further*, That every officer or member of the Metropolitan police at the time this act becomes law shall, in addition to the salary received by him for his period of service between August 1, 1919, and the time this act becomes law, receive for such period the difference between such salary and the salary payable to him under the provisions of this act, for a period of equal duration.

"PAR. 9. No member of the Metropolitan police of the District of Columbia shall be or become a member of any organization, or of an organization affiliated with another organization, which itself, or any subordinate, component, or affiliated organization of which holds, claims, or uses the strike to enforce its demands. Upon sufficient proof to the Commissioners of the District of Columbia that any member of the Metropolitan police of the District of Columbia has violated the provisions of this section, it shall be the duty of the Commissioners of the District of Columbia to immediately discharge such member from the service.

"Any member of the Metropolitan police who enters into a conspiracy, combination, or agreement with the purpose of substantially interfering with or obstructing the efficient conduct or operation of the police force in the District of Columbia by a strike or other disturbance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than \$300 or by imprisonment of not more than six months or by both.

"No officer or member of the said police force, under penalty of forfeiting the salary or pay which may be due him, shall withdraw or resign, except by permission of the Commissioners of the District of Columbia, unless he shall have given the major and superintendent one month's notice in writing of such intention."

"SEC. 2. That one-half of the amount necessary to provide for the increased salaries and compensation of the Metropolitan police authorized in this act is hereby appropriated out of any money in the Treasury not otherwise appropriated, and the other one-half out of the revenues of the District of Columbia, to supplement the amounts appropriated for the members and employees of the Metropolitan police mentioned in the act entitled 'An act making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1920, and for other purposes,' approved July 11, 1919.

"SEC. 3. That the watchmen provided by the United States Government for service in any of the public squares and reservations in the District of Columbia shall hereafter be known as

the 'United States park police,' and their annual basic salaries shall be as follows: Lieutenant, \$1,900; first sergeant, \$1,700; sergeants, \$1,580; privates, \$1,360: *Provided*, That every watchman employed for such service at the time this act becomes law shall, in addition to the salary received by him for the period of service between August 1, 1919, and the time this act becomes law, receive for such period the difference between such salary and the salary payable to him under the provisions of this section for a period of equal duration.

"SEC. 4. That to provide for the increased salaries and compensation of the United States park police, so much as is necessary is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to supplement the amounts appropriated for park watchmen mentioned in the act entitled 'An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes,' approved March 1, 1919."

And the Senate agree to the same.

LAWRENCE Y. SHERMAN,
WILLIAM M. CALDER,
MORRIS SHEPPARD,
Managers on the part of the Senate.
CARL E. MAPES,
N. J. GOULD,
JAS. P. WOODS,
Managers on the part of the House.

The report was agreed to.

FINAL ADJOURNMENT.

Mr. LODGE. I move that the Senate adjourn sine die.

Mr. McCUMBER. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary called the roll.

Mr. SHEPPARD. I have been requested to announce that the Senator from Ohio [Mr. HARDING] is paired with the Senator from Alabama [Mr. UNDERWOOD].

The result was announced—yeas 47, nays 27, as follows:

YEAS—47.

Ball	Frelinghuysen	McCornick	Reed
Borah	Gay	Moses	Sherman
Brandegee	Gronna	Myers	Shields
Calder	Hale	New	Smoot
Capper	Johnson, Calif.	Newberry	Spencer
Coff	Jones, Wash.	Norris	Sterling
Curtis	Kellogg	Overman	Townsend
Dillingham	Keyes	Page	Wadsworth
Edge	Kirby	Phelan	Walsh, Mont.
Eikins	La Follette	Phipps	Warren
Fernald	Lenroot	Polindexter	Watson
France	Lodge	Ransdell	

NAYS—27.

Ashurst	Henderson	Nugent	Smith, Md.
Bankhead	Johnson, S. Dak.	Owen	Swanson
Cammings	Jones, N. Mex.	Pittman	Thomas
Dial	Kenyon	Pomeroy	Trammell
Fletcher	King	Robinson	Walsh, Mass.
Gerry	McCumber	Sheppard	Wolcott
Harris	McKellar	Smith, Ariz.	

NOT VOTING—21.

Beckham	Harrison	Nelson	Sutherland
Chamberlain	Hitchcock	Penrose	Underwood
Culberson	Kendrick	Simmons	Williams
Fall	Knox	Smith, Ga.	
Gore	McLean	Smith, S. C.	
Harding	McNary	Stanley	

So the motion was agreed to; and (at 11 o'clock and 10 minutes p. m.) the Senate adjourned sine die.

CONFIRMATIONS.

Executive nominations confirmed by the Senate November 19, 1919.

ASSISTANT ATTORNEY GENERAL.

Thomas J. Spellacy to be Assistant Attorney General.

CIRCUIT JUDGE, HAWAII.

William C. Achi, jr., to be circuit judge, fifth circuit, Territory of Hawaii.

UNITED STATES ATTORNEYS.

Lester E. Humphreys to be United States attorney, district of Oregon.

June P. Wooten to be United States attorney, eastern district of Arkansas.

UNITED STATES MARSHALS.

Andrew Jackson Walls to be United States marshal, eastern district of Arkansas.

John H. Parker to be United States marshal, western district of Arkansas.

ASSISTANT SECRETARY OF THE TREASURY.

Norman H. Davis to be Assistant Secretary of the Treasury.

REGISTER OF THE TREASURY.

William S. Elliott to be Register of the Treasury.

COLLECTOR OF CUSTOMS.

Otto A. Labudde to be collector of customs for customs collection district No. 37, with headquarters at Milwaukee, Wis.

COLLECTOR OF INTERNAL REVENUE.

Rufus W. Fontenot to be collector of internal revenue for the district of Louisiana.

CONSUL OF CLASS FIVE.

Edward J. Norton, to be a consul of class five.

MISSISSIPPI RIVER COMMISSION.

Col. Mason M. Patrick, as member of the Mississippi River Commission.

APPOINTMENTS AND PROMOTIONS IN THE COAST GUARD.

John E. Dorry, to be a captain of engineers.

Charles W. Dean, to be a third lieutenant of engineers.

Walfred G. Bloom, to be a third lieutenant of engineers.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

To be lieutenant commanders for temporary service.

Arthur S. Walton,

Henry A. Seiller,

Arthur W. Dunn, jr., and

Ligon B. Ard.

To be lieutenants (junior grade) for temporary service.

Richard N. Wilder,

Edward J. Spuhler,

Edmond G. J. Dale, and

Isidor Steger.

To be ensigns for temporary service.

Emmett C. Thurman,

Frank A. Davis,

Walter J. Daly,

James D. Meyers,

Joseph H. Gowan,

Mark A. Savelle,

Chase E. Sebold,

Mark R. Cook,

Ory H. Young,

Obed E. Williams,

John H. Hykes,

Walter C. Fitzpatrick,

Paul Riechel,

Herbert George,

Samuel Butrick,

Axel E. Tangren,

Claude Tucker,

James H. Earle,

George F. Kahle,

Lester E. Shealy,

Martin G. Catron,

Leonard Frisco,

Turner A. Glascock, and

Glen Holmes.

Lieut. Thomas O. Cole, United States Naval Reserve Force, to be an assistant surgeon, with the rank of lieutenant (junior grade), for temporary service.

To be assistant paymasters with the rank of ensign.

Russell H. Sullivan, for temporary service,

William E. Tripp,

Lawrence J. Webb,

Meyer Mordell, and

Henry H. Karp.

To be chief boatswains for temporary service.

Harry J. Devoto,

Gustave B. Martinson,

Isaac L. Williams,

Thomas F. Langseth,

James Salsman,

Benjamin B. Johnson, and

Alfred W. Marchant.

To be chief gunners for temporary service.

Bernhardt E. Blossel,

James G. Bennett,

Paul J. Evans,

Harry T. Dodd,

Carl W. Reimann,
Edgar W. Mallory,
Alvin W. McCoy,
Francis J. Byrne,
Elmer R. Caldwell,
Roger J. Swint,
Frederick C. Nantz,
Arthur F. Murphy,
Henry J. Schafer,
Biven M. Prewett,
Harry C. Woodward, and
Arthur E. Wallis.

To be chief machinists, for temporary service.

John A. Peckham,
Rasmus Christensen,
Louis J. Miller,
Alfred Hayes, and
Charles H. Cope.

To be chief carpenters, for temporary service.

Helmar Schmidt,
Jack P. Barnes,
Garrett P. Fitzmaurice,
John A. Nicol,
Jeremiah A. Kennedy, and
John P. Myers.

To be chief pharmacists for temporary service.

Charles C. Thome,
Leo. Martinelli,
John A. McCormack,
Charles F. Whitmore,
Daniel J. O'Brien,
Ernest E. Brooks,
Virgule M. Coulter, and
Harry H. Williamson.

To be chief pay clerks for temporary service.

Samuel Rosenberg,
Otho C. Kennedy,
William G. Nicol, and
Elmer S. Gilbert.
First Sergt. Edgar Hayes to be a first lieutenant in the Marine Corps.
Second Lieut. William C. Byrd to be a first lieutenant in the Marine Corps.
First Lieut. William C. Byrd to be a captain in the Marine Corps.

POSTMASTERS.

GEORGIA.

Louise C. Riddle, Davisboro.

KENTUCKY.

Frances L. Coldwell, Benham.
Tracy L. Riley, Fleming.
John B. Lasley, Lewisburg.

MISSISSIPPI.

James W. Ashcraft, Charleston.

MISSOURI.

William A. Black, Mansfield.
George C. Orchard, Poplar Bluff.

NEBRASKA.

Otto A. Steinkraus, Dodge.

NEW YORK.

Charles Miller, Baldwin.
Faucher M. Hopkins, Binghamton.
Thomas J. Courtney, Garden City.
John A. Neafsey, Glen Cove.
Thomas H. O'Keefe, Oyster Bay.
William F. Britt, Sea Cliff.
Allen S. Brower, Woodmere.

OKLAHOMA.

Earl H. Barrett, Picher.

REJECTION.

Executive nomination rejected by the Senate November 19, 1919.

UNITED STATES MARSHAL.

George B. Witt to be United States marshal, middle district of Tennessee.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, November 19, 1919.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who hast ever been our dwelling place and upon whom our fathers relied through all the exigencies of life for strength and guidance and were not disappointed, turn not Thou away from us, for without Thee we are nothing. With Thee we are all things, for if Thou art with us who can be against us. Strengthen therefore our arm of faith that we may cling to Thee and be guided day by day unto the larger, grander, nobler life; and hasten the day, we beseech Thee, when the hearts of all men shall be inspired with pure and undefiled religion; that Thy kingdom may indeed come and Thy will be done, in the name and spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed the following resolution:

Senate resolution 231.

Resolved, That the consent of the Senate is hereby given to an adjournment sine die of the House of Representatives at any time prior to December 1, when the House shall so determine.

The message also announced that the Senate had passed without amendment H. J. Res. 249, to continue the control of imports of dyes and coal-tar products.

ENROLLED BILLS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 249. Joint resolution to continue the control of imports of dyes and coal-tar products.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3319. An act to provide for the reimbursement of the United States for motive power, cars, and other equipment ordered for railroads and systems of transportation under Federal control, and for other purposes; and

S. 3332. An act authorizing the board of county commissioners of the county of Hartford, in the State of Connecticut, to construct a bridge across the Connecticut River between Windsor Locks and East Windsor, at Warehouse Point, in said county and State.

ENROLLED JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following joint resolution:

H. J. Res. 249. Joint resolution to continue the control of imports of dyes and coal-tar products.

PROPOSED FINAL ADJOURNMENT OF THE SENATE.

Mr. MONDELL. Mr. Speaker, I offer a privileged resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the consent of the House of Representatives is hereby given to an adjournment sine die of the Senate at any time prior to December 1, when the Senate shall so determine.

Mr. MONDELL. Mr. Speaker, Jeremiahs have their place in the divine scheme of things. It required a Jeremiah to round out Holy Writ, and the gentleman from Arkansas [Mr. Wingo] frequently appears as the Jeremiah of the House, as he has to-day. I shall place a statement in to-day's Record which sets out briefly the very numerous splendid accomplishments of this session of Congress, and which proves conclusively that not only have we saved the Nation a very great deal in the matter of expenditures but that we have concluded, so far as the House is concerned, the entire constructive program that we outlined at the beginning of the session. So much for that.

So far as the House is concerned, all has been accomplished that can be accomplished, in view of the situation in the other body of Congress, and as the Senate has given its consent to the adjournment of the House, I think there will be no objection to the House giving its consent to the Senate. I ask for a vote.

Mr. WINGO. Mr. Speaker, will the gentleman yield?

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. I yield to the gentleman from Arkansas.

Mr. WINGO. Only for the purpose of suggesting that I not only recognize that the gentleman from Texas [Mr. BLANTON] is an expert on demagoguery, but I also recognize my friend

from Wyoming [Mr. MONDELL] is very familiar with the lamentations of Jeremiah.

Mr. MONDELL. I have been hearing some of them.

Mr. HUMPHREYS. Mr. Speaker, will the gentleman yield to me for a moment?

Mr. MONDELL. Yes.

Mr. HUMPHREYS. I asked time only for this purpose: In view of the fact that I have been classed as a wavering Democrat who voted for the railroad bill for fear that the people might say something, I would like to have the Record show that I did not sit entirely silent at the time, without protesting. I voted for the bill, but I did not vote for it out of any fear whatever.

Mr. WINGO. Did my friend vote for it with hilarity?

Mr. HUMPHREYS. I voted for it absolutely without trepidation. [Laughter.]

Mr. BANKHEAD. Mr. Speaker, I would like to get unanimous consent to extend my remarks in the Record on some of the proposed unfinished legislation.

The SPEAKER. Will the gentleman suspend? There are several other such requests to be made later and the Chair will then recognize the gentleman. The question is on agreeing to the resolution?

Mr. MANN of Illinois. Will the gentleman yield for an inquiry?

Mr. MONDELL. I will.

Mr. MANN of Illinois. I believe the rule is that where the Congress adjourns sine die the President can not then sign any bill which was passed and sent to him for signature. What will be the effect if the House adjourns sine die, not an adjournment of Congress, but an adjournment of the House sine die on one day, and the Senate adjourns sine die on the next day or some other day? We passed a bill yesterday which I suppose the Senate passed yesterday also. I do not know whether it has yet been passed upon by the committee which sends it to the President, and I do not know what the intention is as to when the House shall adjourn. But I should advise the distinguished leader from Wyoming to consider what would be the effect upon that and other measures which have been passed at this session of Congress if both the House and Senate adjourn before he signs the measure or vetoes it. If the House passes a bill and the Senate passes it at this session, and it is not sent to the President, it can be sent to him at the next session of Congress; but under the practice which has always prevailed, and I presume that is undoubtedly constitutional law, if both Houses pass a bill which is sent to the President and they adjourn before the President signs the bill the bill is dead. It is too late to sign it, it is too late to veto it. It has to start ab initio at the next session if such legislation is enacted.

Mr. MONDELL. Mr. Speaker, it is not my purpose to immediately make a motion to adjourn. I have had in mind what the gentleman has just referred to, and I shall ask that the House stand in recess for a short time in order that the matters to which he refers may be attended to.

Mr. TAYLOR of Colorado. Will the gentleman from Wyoming yield?

Mr. MONDELL. In just a moment. But with the passage of the resolution by the Senate giving consent to the adjournment of the House and the passage by the House of the resolution which is now under consideration, the House can adjourn at any time when the bills that have passed are signed and Members will understand that they are at liberty to go home. I think it would be necessary to have definite action upon the measure to which the gentleman from Illinois has referred and on the dyestuff resolution. I now yield to the gentleman from Colorado.

Mr. TAYLOR of Colorado. Has it not always been the custom of both the Senate and the House during all the history of Congress that before an adjournment sine die is taken that a committee is appointed to notify the President that we are about to adjourn and to inquire if he has any communication to make? And I want to ask the majority leader, Has the House appointed such a committee at this time; and if not, why not?

Mr. MONDELL. The House has not adjourned as yet, and such notice can be sent to the President at any time.

Mr. TAYLOR of Colorado. Why do we not adjourn in the regular, orderly, legislative way and close up the session in the usual courteous manner? Why should the majority in this House now, for the first time, neglect or overlook or fail to conform to the regular custom that has prevailed in this body for over 100 years?

Mr. MONDELL. No motion has been made to adjourn and no motion will be made to adjourn immediately, but with the

passage of the resolution by both Houses we are in a position to adjourn when the business of the Congress is in such condition that we can properly adjourn—

Mr. BLANTON. Will the gentleman yield for a question?

Mr. MONDELL. And I trust we will reach that condition this afternoon. I will yield to the gentleman.

Mr. BLANTON. Has not the President of the United States, through the daily press, recommended that Congress adjourn and go home—

Mr. MONDELL. Yes.

Mr. BLANTON. And live with the people a while for the good of the country?

Mr. MONDELL. Yes; and the administration leader in the Senate reiterated that yesterday.

Mr. KITCHIN. Mr. Speaker, I suggest the custom to which the gentleman from Colorado has called the attention of the House has been when both Houses adjourned at the same time. Since I have been here I do not recall a case just exactly like this, where one House adjourned before the other, but constitutionally they could do it.

Mr. TAYLOR of Colorado. The principle of properly notifying the President before an adjournment is the same, no matter whether one House adjourns to-day and the other adjourns to-morrow, or both at the same time.

Mr. MONDELL. Mr. Speaker, I shall not make a motion to adjourn immediately. There are several things to be done before we can adjourn. I understand several gentlemen would like to address the House for a very few moments, and in the meantime I think we can learn as to what the situation is with regard to the bills to which reference has been made. My purpose is—my desire is, at least—that there shall be no further business transacted and that the motion to adjourn will be made just as soon as the business which has been passed upon by the Congress is in condition that it will be proper for the House to adjourn.

Mr. LONGWORTH. If I understand the gentleman correctly, the gentleman under no circumstances would make a motion to adjourn until notified that action has been taken upon the two bills?

Mr. MONDELL. I do not think it would be wise. I do not think we would be justified in doing that. But I do desire to have the business of the House in such condition that Members will understand there is no further business to be transacted except the formal motion to adjourn.

Mr. CLARK of Missouri. Why not, then, dispose of the little resolution that the gentleman from Massachusetts has, and vote on this Senate resolution, and ask unanimous consent that the House stand in recess until 4 or 5 o'clock or whenever you want it, and announce at the same time that at that hour you are going to make a motion to adjourn?

Mr. MONDELL. I think that is a very good suggestion. However, there are one or two gentlemen who desire to speak briefly before I make that request.

Mr. CLARK of Missouri. I have no earthly objection to that, but those who want to go home want to know whether or not you are going on.

Mr. MONDELL. It is clearly understood that all that will happen hereafter, except some very interesting brief remarks that may be made by gentlemen on either side, will be a motion to adjourn and the resolution which the gentleman from Massachusetts [Mr. WALSH] desires to offer, to which I think there will be no objection.

Mr. KITCHIN. I would suggest to the gentleman that there is something, even as a matter of courtesy, in the proposition that we should make a regular motion and appoint a committee to wait upon the President and notify him that we are about to adjourn. That is simply a formal matter.

Mr. MONDELL. It is proper in some cases to appoint a committee and in some cases to notify the President through the Clerk's office. In this case I shall ask for the appointment of a committee.

Mr. LONGWORTH. Will the gentleman yield to me?

Mr. MONDELL. Yes.

Mr. LONGWORTH. Inasmuch as the motion to adjourn which the gentleman will make later is not debatable, I would like to ask him a question now. In the event the Senate will not have acted upon the treaty before the House adjourns, what business, in the gentleman's opinion, might arise which would require action by the House?

Mr. MONDELL. I have talked with gentlemen on both sides of the Senate, and while they are not particularly communicative with regard to all of their views on the situation, all of them, so far as I have talked with them, seem agreed that, in their opinion, no condition can arise that would necessitate the presence of the House here before the beginning of the regular

session in connection with the treaty or any matter relating thereto.

Mr. LONGWORTH. And that would apply, whether the treaty was passed or whether it was not passed?

Mr. MONDELL. It would.

Mr. LONGWORTH. In other words, the gentleman thinks from the conversation that he has had with Members of another body that no trouble could arise from the House adjourning, even if the treaty was not acted on by the Senate?

Mr. MONDELL. That is my understanding. I think that is the view of the gentlemen on the other side.

Mr. CHINDBLOM. Is the gentleman advised whether in the Senate it is proposed to transact any other business from now on to the end of the session except the treaty?

Mr. MONDELL. It is my information that the leaders over there do not intend to have other business transacted than that connected with the treaty.

Mr. DUNBAR. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. DUNBAR. Is it the gentleman's intention to introduce a motion to-day that we adjourn?

Mr. MONDELL. It is my purpose to make the motion to adjourn just as soon as a committee can visit the White House and be informed with regard to the Executive action on the two bills that have been referred to.

Mr. DUNBAR. Then the matter of making a motion to adjourn may be deferred for several days?

Mr. MONDELL. No; I think not. I hope it will not be deferred later than this afternoon.

Mr. GARRETT. Will the gentleman yield?

Mr. MONDELL. I yield.

Mr. GARRETT. I wish to suggest this for the consideration of the gentleman. The question raised by the gentleman from Illinois [Mr. MANN] is a very interesting and very important one, and that is as to the legal situation that would arise with reference to any bills which might be in the hands of the President and unsigned. Now, personally, I do not know whether there are such. But it seems to me that in order to avoid any difficulty of that kind it would be well to have a formal notification to the President, either by a committee in the usual way—and I take it, it would be impossible for the committee to reach him in the usual way on account of his physical condition—but in some way a formal notice should be given to the President so that he may advise the House whether he has any measures that he desires further to have considered, and thereby an agreement could be reached in a way that would be satisfactory to all.

Mr. MONDELL. I agree with the gentleman.

Mr. GARRETT. I do not remember the exact wording of the Constitution, but I think that portion is "unless Congress by their adjournment prevent."

That is in connection with the signing of bills, and I would think, offhand, that an adjournment sine die of one House would be an adjournment of a part of the Congress, and that the full Congress would not be in session in a constitutional sense.

Mr. DENISON. The provision of the Constitution, "unless the Congress by their adjournment prevent its return," means, I think, unless either branch of Congress adjourns, because the effect would be the same. If either branch of the Congress adjourns before the President does act upon a bill, it is killed.

Mr. GARRETT. And the gentleman is of the opinion that the adjournment of one House sine die would have manifestly the same effect? Doubtless that is true. Suppose he should veto some bill which originated in the House, the House would have no way to reconsider it?

Mr. DENISON. I think that is right.

The SPEAKER. The question is on agreeing to the resolution. The resolution was agreed to.

PILGRIM TERCENTENARY.

Mr. WALSH. Mr. Speaker, I ask unanimous consent for the present consideration of a concurrent resolution, which I ask the Clerk to read.

The Clerk read as follows:

House concurrent resolution 38.

Resolved by the House of Representatives (the Senate concurring). That the time within which the Joint Special Committee on the Pilgrim Tercentenary shall report is hereby further extended to January 10, 1920.

Mr. WALSH. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. WALSH. The purpose of this resolution, Mr. Speaker, is to extend the time in which a joint special committee, which had previously been appointed to consider what steps the Federal Government shall take to participate in the celebration of the three hundredth anniversary of the landing of the Pilgrims at Plymouth, shall report. Because of the important business before the Senate in the past month the Members of that branch have been unable to participate in the consideration of this measure. I hope if this extension is granted that a report will be made long before the time fixed in the resolution.

The SPEAKER. Is there objection to the consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

EXTENSION OF REMARKS.

Mr. BANKHEAD. Mr. Speaker, I would like to renew my request made a few moments ago.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the Record. Are they to be on any particular subject?

Mr. BANKHEAD. On some unfinished pending legislation.

The SPEAKER. His remarks on unfinished pending legislation. Is there objection?

There was no objection.

Mr. ROGERS. Mr. Speaker, I make the same request, except that my subject is the reorganization of the foreign service of the United States.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks on the reorganization of the foreign service of the United States. Is there objection?

There was no objection.

Mr. SUMMERS of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks in the Record. Is there objection?

Mr. BLANTON. Reserving the right to object, Mr. Speaker, on what subject?

Mr. SUMMERS of Washington. The very interesting subject of farmers' bulletins and scientific farming, and things like that, generally. [Laughter.]

The SPEAKER. Is there objection?

There was no objection.

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. Is there objection to the gentleman's request?

Mr. BLANTON. On what subject?

Mr. MORGAN. On the subject of providing homes for soldiers.

Mr. BLANTON. That is a discarded subject, is it not?

The SPEAKER. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

Mr. WALSH. Upon what subject—reserving the right to object?

Mr. RAKER. On the subject of undisposed-of legislation, such as soldiers' homesteads and rank for Army nurses.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. CRAMTON. Mr. Speaker, is the request of the gentleman in regard to undisposed-of legislation to include the legislation upon which the gentleman had one day in which to file a report?

Mr. RAKER. I had general permission, and the report has been filed. The business in committee has been such that I did not file it within the day, but it is filed now, and that is disposed of.

Mr. EVANS of Montana. Mr. Speaker, I ask unanimous consent to extend my remarks on the railroad bill.

The SPEAKER. Everybody had that permission.

Mr. BRIGGS. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of neutral or free zones.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks on the subject of neutral or free zones. Is there objection?

There was no objection.

THE VETO OF THE PROHIBITION BILL.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent to proceed for three minutes in which to make a statement, which I think is just to both sides of the House.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. KITCHIN. Mr. Speaker, on Monday, October 27, the President sent to the House his message vetoing the law-enforcement prohibition bill. This was a surprise to every Member of the House. No one had anticipated such a message. It was about half past 4 o'clock when the House received it. Almost immediately afterwards I conferred with the Speaker, the majority leader [Mr. MONDELL], Mr. VOLSTEAD, the chairman of the Committee on the Judiciary that reported the bill, who had charge of the bill, and Mr. Webb, the ranking Democrat on the Judiciary Committee. In that conference it was understood and agreed that inasmuch as the message had come in so suddenly and there were so many Members absent—the week's program contemplating no very important legislation—the proper and fair thing to do was to postpone consideration of the message until Thursday following, and to so notify absent Members. With that understanding Mr. Webb and myself left, going to our homes here in the city. This was a little after 5 o'clock, the usual time for adjournment.

The next morning, to my great surprise, I read in the newspapers that the House that evening had taken up the President's veto and voted to override it. The majority leader, as the Record shows, and the other gentlemen with whom I had the conference and understanding, tried to have consideration postponed until Thursday, but it seemed that the House stamped for a vote then and there, and a vote was taken. Several Members, some on one side and some on the other, were absent. Let me say, too, that it has been the custom in the House to postpone consideration of an important veto message to a day certain, so that all Members will have notice when the vote on it will be taken. I thought I ought to make this statement in justice to so many Members who were not present at the time and who would have been anxious to vote on the question of overriding the President's veto had they known such would be presented, some for and some against it.

My attention was called a few days ago to a statement in a leading metropolitan paper that if the Democrats from New York and Boston had been present the President's veto would have been sustained. The fact is that if every Democrat from New York City, Brooklyn, Boston, Chicago, and Cleveland, and all the Democrats from New Jersey and Connecticut had been present and voted to sustain the President's veto the result would not have been changed. His veto would have been overridden by the constitutional two-thirds. [Applause.] The further fact is, if it had been continued until Thursday, as the Speaker and the majority leader [Mr. MONDELL], Mr. VOLSTEAD, and Mr. Webb thought, in fairness to all, it ought and could be, at the time I had this conference with them, and all Members had been present then, the result would not have been changed. The House would have overridden the President's veto. [Applause.] But a postponement until then would have given all Members an opportunity to express their views by a record vote.

Mr. SMALL. Mr. Speaker, will the gentleman permit me to interject this into his remarks?

Mr. KITCHIN. Yes.

Mr. SMALL. I would have been present and voted if I had supposed that the resolution or any other business would have come up that afternoon.

Mr. KITCHIN. If it had been known that that veto message was coming in practically every Member of the House would have been present and voted on it.

Mr. GALLAGHER. There was no announcement made here that any such agreement had been entered into.

Mr. KITCHIN. There was no agreement with the House. It was an agreement and understanding with the Speaker, with the majority leader, and with Mr. VOLSTEAD, chairman of the Judiciary Committee, and Mr. Webb, the ranking Democratic member of the committee. The House has always heretofore recognized such understandings and followed without question the suggestion of postponement of gentlemen holding such positions in the House.

Mr. GALLAGHER. But when the bill was passed it was generally understood that those engaged in the business were to have a year to get out of business, and that agreement was not kept, either.

Mr. KITCHIN. That was on the constitutional amendment and was incorporated in the amendment.

Mr. RUCKER. In connection with the statement the gentleman has made, I think it might be well to state this fact: The preliminary votes, the motion made by the gentleman from Minnesota [Mr. VOLSTEAD] to postpone consideration till Thursday,

and the motion to lay that on the table, and then finally to vote on the bill, were all taken at about the usual supper hour, or dinner hour as they call it here in Washington.

Mr. KITCHIN. The gentleman is correct; and after the usual adjourning hour.

Mr. RUCKER. And at an hour when no business is usually transacted.

Mr. KITCHIN. That is true.

Mr. WALSH. Is it the gentleman's contention that those gentlemen who were not present when the vote was taken were justified in being absent and would have been present if they had known the veto message was to come up?

Mr. KITCHIN. I think most of the Members who were absent were justified in being absent, in the belief that no important business would be taken up at that time. The program contemplated no legislation of nation-wide importance that week.

Mr. WALSH. But they would not have been justified in being absent if they had known the veto message was to be considered.

Mr. KITCHIN. I think on a question of such importance, if they had known it was coming up, they ought and would have postponed any other matter in order to be present and vote.

Mr. LONGWORTH. I am glad the gentleman from North Carolina has made the statement which he has made, because I arrived here a little too late to vote. I had been notified by telephone that an agreement had been reached to postpone action on the veto until the following Thursday.

Mr. McARTHUR. Mr. President, in view of the established precedent that has grown up here of the Congress indorsing the action of the Executive, the gentleman would not object, would he, to any gentleman presenting a resolution indorsing the President's action in writing the veto message?

Mr. KITCHIN. I would not have any objection to the gentleman presenting any resolution which he desired to present.

Mr. BLANTON. Does not the gentleman think that under the circumstances related by him we ought to give New Jersey back to our friends on the Republican side?

Mr. KITCHIN. No; I would not give it back to them. It seems we got so little out of the last election, let us keep what little we did get. [Laughter.]

Mr. SIMS. Mr. Speaker, as we are all confessing and avoiding—

Mr. KITCHIN. Oh, no.

Mr. SIMS. That is what I am doing.

Mr. KITCHIN. All right.

Mr. SIMS. I was in session with the Interstate and Foreign Commerce Committee until beyond its usual hour for adjournment. I think the committee was in session until about 5.30 or 6, and I did not know anything about the bill having been vetoed, or having come back to the House, or anything about it, and I went directly from the committee room home, and did not come by the Hall of the House. I think the House and the country know that I have done my share in securing all kinds of temperance legislation.

Mr. KITCHIN. Certainly.

Mr. SIMS. I had no responsibility whatever in connection with the action which was taken by the House without my knowledge.

Mr. KITCHIN. Let me repeat a statement I have made. It has been the custom heretofore, since I have been a Member, when a veto message has come in on an important bill to postpone action upon it to some future day certain, so that Members could be present and have an opportunity to vote on it. We have done that once or twice at this session.

Mr. RANDALL of California. Will the gentleman yield?

Mr. KITCHIN. I will yield.

Mr. RANDALL of California. I did not hear all of the gentleman's statement, and I do not know exactly what he is driving at. I do not understand the gentleman to mean that anybody who was here attending to business was responsible for those who were absent.

Mr. KITCHIN. No; I am just stating the facts of the situation as they were.

Mr. RANDALL of California. There is no reflection on the people from far-away States who stay here all the time because of the absence of those from New Jersey and elsewhere who are away?

Mr. KITCHIN. Oh, no. The gentlemen from far-away States perhaps "stay here all the time" because they can not make a week-end trip home—when no important legislation is pending—as can gentlemen living in New Jersey and other near-by States.

The SPEAKER. The time of the gentleman has expired.

Mr. MONDELL. I ask unanimous consent that the gentleman from North Carolina may have five minutes more in which to continue his explanation.

Mr. KITCHIN. The gentleman from North Carolina has made the statement he desired to make, but if any other gentlemen wish to make explanations I do not object to their doing so in my time.

Mr. YATES. Mr. Speaker, I simply desire to purge myself, and to say that I, too, was one of the victims of the circumstances which the gentleman from North Carolina has so clearly stated.

Mr. KITCHIN. There is no criticism of anybody. I am only stating the facts as they were in simple justice to those on both sides of the question who were absent on that Monday.

Mr. GALLAGHER. Will the gentleman yield for a question?

Mr. KITCHIN. Is it an easy question? [Laughter.]

Mr. GALLAGHER. Yes. I would like to know if Members who voted against the dry bill will have an opportunity to get a drink between now and New Year's? [Laughter.]

Mr. KITCHIN. I should say that would depend on the forethought which they have exercised heretofore. [Laughter.]

Mr. MONDELL. Will the gentleman yield?

Mr. KITCHIN. Yes; I yield the remainder of my time.

Mr. MONDELL. I am sure that nothing which has been stated by the gentleman from North Carolina requires indorsement or confirmation by me; but along the line of the statement that he just made, I think I ought to say that while at one time and another in my life I have been in stampedes, I never was, until the occasion that he refers to, run over by one.

Mr. KITCHIN. I saw that in the Record.

Mr. MONDELL. It was generally agreed and understood that we were not to act upon the President's veto message on the prohibition bill until Thursday morning after the Monday, two days later than the time when we received it; but while I think that was the general understanding among the Members of the House, the temper and disposition of the House suddenly changed in the matter, demanding immediate action.

Mr. WALSH. Even the gentleman who moved to postpone consideration of the veto message until Thursday attempted later to withdraw his motion, and then when he found he could not do it, recommended that his motion be voted down.

Mr. MONDELL. And more than that, he voted to table his own motion to postpone.

Mr. HUMPHREYS. Will the gentleman yield?

Mr. KITCHIN. Yes; and then I am going to refuse to yield to anyone else.

Mr. HUMPHREYS. Can not the gentleman put into the Record some sort of a statement that would get most of us who were here that day out of the trouble that we got into by being present and voting the way we did? [Laughter.]

Mr. KITCHIN. I will say that when I looked into the Record and saw that the gentleman was present, I was a little surprised. [Laughter.]

Mr. HASTINGS. Will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. HASTINGS. With the gentleman's permission, I want to take a moment to tell the plain, unvarnished truth about the situation. [Applause.] I do not want any camouflage about it. This veto message came in here on Monday. A motion was made by the gentleman from Minnesota [Mr. VOLSTEAD] to postpone action on it until the following Thursday. A vote was about to be had on that motion. It perhaps would have carried almost unanimously in the House. There was no opposition to the motion to postpone. The gentleman from Massachusetts [Mr. WALSH] moved to table the motion to postpone. While that was being considered and while the vote was being had it enabled those who were in favor of prohibition to confer with each other and with Mr. VOLSTEAD, and we concluded that if the vote was postponed until Thursday, it would enable the Members from New York and the Members from Philadelphia and the Members from New Jersey and near-by States who opposed prohibition to get back, but it would not enable the Members who favored prohibition, who were away in Oklahoma and Nebraska and the far Western States, to get back here. So we Members who were in favor of prohibition and opposed to the veto, knowing that the friends of prohibition could not get back and that the opposition Members could get back by Thursday, turned about face and reconsidered our intention to vote for postponing until Thursday, and then voted not to postpone, in order that we might take a vote on that day.

Mr. MONDELL. Will the gentleman yield?

Mr. HASTINGS. I will, but I do not have the floor.

Mr. MONDELL. That is a truthful tale, as far as it goes. But how does the gentleman account for the fact that some of

the most insistent wets were among those who insisted and demanded that the vote be taken at once?

Mr. CARAWAY. They were full. [Laughter and applause.]

Mr. HASTINGS. The most insistent wets had not counted noses, and they felt that they had enough votes to sustain the President's veto.

The SPEAKER. The time of the gentleman from North Carolina has expired.

NOTIFYING THE PRESIDENT.

Mr. MONDELL. Mr. Speaker, I present the following resolution and ask unanimous consent for its present consideration. The Clerk read as follows:

Resolved, That three Members be appointed by the Speaker to wait on the President of the United States and inform him that the House of Representatives has completed the business of this session and is ready to adjourn unless the President has some communication to make.

The SPEAKER. Is there objection to the consideration of the resolution?

Mr. RAKER. Mr. Speaker, the resolution says that the business of the session is completed. We have not completed the business, and why not simply state that we are ready to adjourn?

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

THE HOUSING BUREAU.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from Florida asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. CLARK of Florida. Mr. Speaker, I do not want this House to adjourn without my again calling attention of the House and the country to the situation with reference to a very extravagant institution of this Government—the Housing Bureau. I have done that time after time. The Committee on Public Buildings and Grounds has discharged its duty in that connection. Ever since last May this matter has been pending here, and I want to call attention this morning to one or two other matters in connection therewith for gentlemen to consider. Down on the plaza where the dormitories are built—very plain, commonplace dormitories—the blinds that went on to those dormitories cost \$4,800, with the hardware. The painting of them cost \$5,000. The hanging of them after they were delivered, painted and complete, cost \$17,200, or about \$7 a pair to hang them, making a total cost of \$27,000 for the purchase and hanging of 2,490 pairs of common blinds.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. GREEN of Iowa. The gentleman means just putting them on?

Mr. CLARK of Florida. Yes; just hanging them up.

Mr. GREEN of Iowa. How much a pair?

Mr. CLARK of Florida. Seventeen thousand two hundred dollars for all, or about \$7 a pair. When the bill was originally framed we put the entire force of the Supervising Architect's Office at the command of the bureau officials. Not content with that, they employed high-priced architects and put them on the pay roll. When they came to build the dormitories, perfectly plain, 12 buildings with 2 wings each, all alike, they did not use the Supervising Architect's Office nor did they use their own high-priced architects, but went outside and employed another architect and paid him \$25,000 to draw the plans of these very plain, cheap buildings. Not only that, but they paid this architect, in addition to the fee of \$25,000, 100 per cent overhead on his office force.

I want to ask unanimous consent, Mr. Speaker, to extend my remarks in the Record on this subject, because there are quite a number of things I want to put in the Record so that gentlemen can read them, and when they come back next December be prepared to say to their constituents whether they want to continue this outrageously extravagant governmental activity.

The SPEAKER. The gentleman from Florida asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. SNELL. I was talking to a gentleman last evening, and he said that he had just come from the office of the president of the association, I believe, Mr. Sherman.

Mr. CLARK of Florida. Yes.

Mr. SNELL. Who said the dormitories are being run now at a great profit to the Government. Does the gentleman know anything about that?

Mr. CLARK of Florida. No; but I do not think it is true.

The SPEAKER. The time of the gentleman from Florida has expired.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent to proceed for one minute more.

The SPEAKER. Is there objection?

There was no objection.

Mr. CLARK of Florida. I want to say this, further: The record shows that they have on their rolls or had until a few months ago—he has since retired—a man whom they called an expert on dormitory equipment, long after the armistice, when they needed no dormitories and no dormitory equipment, at a salary of \$5,000 a year. They had an assistant to that man at \$5,000 a year, and last February they raised the salary of the principal expert to \$12,000 a year and dated it back for a month.

Mr. SNELL. Are all of these high-priced officials charged up to the operation of the dormitories?

Mr. CLARK of Florida. No; I do not think so. There are many others there and also a lot of high-priced ones on the pay roll of the dormitories or Government hotels.

Mr. Speaker, the whole record of this Housing Bureau is one of riotous extravagance, and if fully known to the House would shock the sensibilities of every Member on this floor. It is impossible for me to detail in the brief time I shall take all of the outrageous and scandalously extravagant doings of this bureau. I have said that in the original law creating the bureau Congress placed at the service of the bureau the entire force of the Supervising Architect of the Treasury. This was done in order to save the expense of architect's fees in the drafting of plans for the buildings it was proposed to construct. Neither the Committee on Public Buildings and Grounds nor the Congress ever dreamed that any costly buildings or buildings requiring great architectural beauty would be constructed, and the committee in drafting the bill was advised that the Supervising Architect's Office not only had the ability to do this extra work but had ample time in which to do it. Notwithstanding this provision of law, this Housing Bureau employed at large salaries a large number of architects who were placed upon their pay roll and regularly drew their salaries from the Government. When Washington became so crowded with people that it was deemed wise that the bureau should construct some dormitories in an effort to relieve the congestion, it was decided that these dormitories should be plain and of simple construction and temporary in character. The officials of the Housing Bureau, instead of availing themselves of the services of their own high-priced architects and instead of availing themselves of the services of the architects in the Supervising Architect's office, deliberately went outside and employed Mr. Waddy B. Wood, a Washington City architect, and agreed to pay him a fee of \$25,000 for his services in drawing the plans for the dormitories now standing on the Union Station Plaza. Not only this, but the bureau officials agreed to pay to Mr. Wood, in addition to his stipulated fee, 100 per cent overhead on his office expenses, which latter agreement was in direct violation of section 7 of the housing act, which prohibited the making of any cost-plus contracts.

Now, Mr. Speaker, the Plaza dormitories consist of 12 buildings, each with two wings, and they are all extremely plain, common, and cheap. The floor plans, the plumbing, the heating, the number of radiators and their location, light fixtures, bathrooms, toilets, are alike in each building, and there is no reason why the plans for one of these buildings could not have been used for all the others. To show just how the contract with Mr. Wood on his 100 per cent overhead operated, I desire to state that he increased the salaries of all of his employees, and while it is claimed that this was done because of the increased cost of living, yet we must remember that under this 100 per cent overhead contract the more his employees received the more Mr. Wood received. For instance, Mr. Porter, the manager for Mr. Wood, was earning about \$200 a month when the war began, and after this contract with the Housing Bureau was entered into Mr. Porter's salary went up to \$500 a month, and his work some months cost the Government, according to the record, over \$800. Mr. Lockie, another employee, receiving about \$175 per month before the war, cost the Government for his services on this dormitory job from \$400 to \$500 per month. To show just what was done, let me call your attention to this fact, which is indisputable: Messrs. Kennedy, Hooten, Munson, and Leason were draftsmen in the Supervising Architect's Office when the war began, and after Mr. Wood was employed to draw the plans for the Plaza dormitories he employed these four gentlemen, giving them much larger salaries than they were receiving from

the Government in the Supervising Architect's Office. Their work on the dormitories as employees of Mr. Wood cost the Government \$7,863.67, whereas if Mr. Wood had allowed them to remain in the employ of the Government and the bureau officials had made use of their services, as they had a right to do under the law, their services on the dormitories would have cost the Government \$3,166.70, and thus we see that in this one little item the Government was made to suffer an excess cost of \$4,696.97. Was this an economical, patriotic, honest administration of the Government's affairs? Should men capable of such legerdemain continue in the public service? This is only one act of many which cry out for the separation of these people from the Public Treasury.

I now desire to call attention to a few facts in connection with the building of the dormitories. The contract was let to the Fuller Co., and this company was to receive a fee of \$58,000 over and above the actual cost of construction, and in addition to this they received a fee by way of plant rental of \$22,000. Naturally one would suppose that this fee of \$80,000 would be all, but under the manipulation of the Fuller Co. and the Housing Bureau they were paid very much more. For instance, the Fuller Co. used seven table saws, valued at \$2,800, and they charged the Government \$1,660 for the rental of these table saws. The record also shows that the Fuller Co. used eight swing saws, valued at \$70 each, or \$560 for the eight, and the Government paid to the Fuller Co. \$1,453 for the rental or use of the eight swing saws. Take another case: The Fuller Co. used three Rex concrete mixers, supposed to cost about \$3,000, and the rental charged the Government was \$1,023. One other thing that I desire to call attention to is the fact that as shown by the hearings before the Senate subcommittee on Public Buildings and Grounds the Fuller Co. was allowed by the Housing Bureau a percentage of 4.75 on the purchase of a Westinghouse motor costing \$16,564. Think of it. Nearly \$800 commission allowed this concern to buy an article, standard in character, which any salaried employee could have purchased. Now, Mr. Speaker, this matter to which I am going to call attention may be considered small, but in the aggregate it is not so small as it may seem. The Fuller Co. hired certain trucks from a man named Killeen, which trucks were used on the Plaza dormitory job. The Fuller Co. paid Killeen for the large trucks \$2.65 per hour for each truck without a driver, and the Housing Corporation paid to the Fuller Co. for the same trucks without drivers \$3.50 per hour, a clear profit to the Fuller Co. of 85 cents an hour. In other words, the profit to the Fuller Co. on the hire of trucks was as follows: 1-ton trucks, 70 cents per hour each; 2-ton trucks, 50 cents per hour each; 3, 3½, and 5 ton trucks, 85 cents per hour each; and the total profit made by the Fuller Co. for the hire of trucks on this job was \$13,177.79. When we remember that in the original contract made with the Fuller Co. that concern was to receive a fee of \$22,000 for the rent of their plant, it is hard to understand why they should receive additional rent for trucks at all, but when they are allowed to coin a profit of more than \$13,000 on this one item it is simply astounding.

Mr. Speaker, I do not know whether it is true or not, but it has been stated that in the planning and construction of the Plaza dormitories the Government actually paid more for the planning and the supervision of construction than the actual construction itself cost. As I say, I do not know whether this is true or not, but when I consider the record of this bureau I am strongly of the opinion that it is absolutely true.

I desire to call attention to the real-estate operations of this Housing Bureau simply to say that while it is claimed by the bureau officials that they always bought land lower than the appraised value the fact is this statement is very misleading. As I understand it, it was the practice of the bureau to secure appraisals of real estate which they intended to buy from four or five different sources. They would go to the chamber of commerce, the realty board, and other agencies of that kind, to fix a valuation. Now, the truth is that they never bought land lower than the lowest appraisal and never bought land lower than the average appraisal, but they may have bought it lower than the highest appraisal. To illustrate the reckless disregard for the public interest which seems to have been the rule with this bureau all along the line, I desire to call attention to their operations in connection with what we may call the navy-yard dormitories and what the bureau calls project 27A, 27B, and 27C. This bureau conceived the idea of buying a tract of land near the navy yard and erecting thereon certain houses and dormitories for the occupancy of navy-yard employees particularly. I shall not undertake to go through the long procedure of this bureau, but suffice it to say they spent some \$869,000 on this venture, and if the Government can get out of this transaction without losing fully \$800,000 the Government will be extremely lucky.

In the first place the bureau paid much more than the value of this land, according to the estimate of reputable real-estate dealers in the city of Washington. They excavated a vast amount of earth and undertook to build an immense foundation for buildings that add nothing to the value of the property.

I am not an authority in such matters, but it is my humble opinion that the money they spent in excavation, in building dormitories down there which could not be and were not used, and their other expenditures on this land might as well been thrown into the sea. It was a profligate, senseless, and utterly inexcusable waste of public money. This navy-yard fiasco is one that smells to heaven. For instance, for one of these tracts they sent to Toledo, Ohio, to get a man to negotiate the deal. The bureau paid this man \$50 a day for seven days and \$6 a day for eight days for expenses, making a total of \$398 paid the negotiator for buying a piece of land which cost \$5,235.95. But this is not all, Mr. Speaker. In addition to paying this negotiator \$398, they allow another real-estate man \$500 to assist this man in consummating the trade. I mention this one instance to illustrate the recklessness with which these people seem to have dealt with the people's funds. I want to say further that they did, as I have said, construct on this land some dormitories containing a large number of very small and uncomfortable rooms, which dormitories cost the Government \$685 per room, and they are of the very cheapest possible construction of a temporary character. Not only did they construct these dormitories, but furnished them, and when they were completed and furnished not a single employee would live in them, and therefore the Government stands to lose about \$800,000, and I charge that this great loss is due to the reckless, negligent, careless, wasteful management of the officials of this bureau. While speaking of the cost of the navy-yard dormitories, let me say that the cost of the Plaza dormitories was about \$1,500 a room, and nearly all of these rooms are for the occupancy of only one person. In other words, it cost the Government \$1,500 for space to house each war worker on the Plaza, whereas if the room had been built for two the cost would have been 30 per cent less, according to their architect, Mr. Wood.

Mr. Speaker, this bureau has a committee of their own to fix the salaries of the officers and employees. The salaries are not fixed by law, but are left to the exclusive control of a committee on salaries. Months after the armistice was signed, and when this bureau had been told that it was a temporary affair and would soon go out of business, their salary committee increased largely the salaries of the officers and employees.

As an instance of this I desire to say that Housing Corporation voucher 5487, period ending January 15, 1919, carried D. M. Kelly, as an expert on dormitory equipment, at \$5,000 per annum, and Percy R. Iseman, as assistant to Mr. Kelly, at \$5,000 per annum. Voucher 7122, pay roll ending February 15, 1919, carried Percy R. Iseman, assistant on dormitory equipment, at \$5,000, and revises the salary of D. M. Kelly from January 16, 1919, from \$5,000 to \$12,000 per annum.

Now, Mr. Speaker, when these increases of salaries were made this bureau was supposed to be in process of liquidation; its affairs were being ended; no dormitories were to be built; no new equipment was to be bought. An expert on dormitory equipment, with a salary of \$12,000, and an assistant at \$5,000, making \$17,000 per annum being paid to two men whose services were not needed at any price. No more dormitories were to be built, nor was there any dormitory equipment to be provided, yet we find the bureau officials increasing the salary of this superfluous employee from \$5,000 per annum to \$12,000 per annum—the salary of a Cabinet member—and actually making the increase effective one month back! And yet these people have the gall to boast of their efficiency and loyalty to the interests of the Government. May the good Lord deliver us from such efficiency in the future. Mr. Speaker, why will the Congress permit this outfit to function for another day? The record of this bureau is loaded down with transactions like this, and I have introduced a bill to close up the affairs of this bureau, which was unanimously reported by the Committee on Public Buildings and Grounds and has been on the calendar for months. Our committee has appealed to the Committee on Rules to report out a rule under which the House could consider this bill, but we have never been able to get action. This Congress has spent a great deal of time talking about economy and retrenchment, but thus far not a single definite step has been taken to lop off these unnecessary and leechlike governmental appendages. When the war was in progress the people expected waste, and were not disposed to be too critical, but when the armistice was signed, which event was the substantial ending of the war, the people had the right to expect of Congress the immediate cessation of the activities of such institutions as this Housing Bureau, and it is a reflection on Congress that this concern is still allowed

to exist at great cost to the taxpayers of the land. The Committee on Public Buildings and Grounds, in reporting out the bill to abolish this bureau, pointed out how these people, long after the armistice was signed, raised the salaries of many of their officers and employees, and called attention to many other acts of wasteful extravagance which, in the opinion of the committee, demanded their instant severance from the Government pay roll. But in spite of the record, in spite of the undisputed and incontrovertible facts, this utterly useless agency, in so far as serving any public good is concerned, is still allowed to hang on to the Public Treasury.

Mr. Speaker, I am only responsible for my own acts as a Member of Congress. I feel that I have discharged my full duty with reference to this matter thus far, but I shall continue on every proper occasion to call it to the attention of Congress until some action is taken. This bill shall not quietly sleep on the calendar. This bureau is serving no useful purpose; it is an unnecessary drain on the Treasury; it is an extravagant, wasteful, useless adjunct; and the sooner "the place which now knows it shall know it no more" the better for the public service.

COMMITTEE TO WAIT ON THE PRESIDENT.

The SPEAKER appointed Mr. MONDELL, Mr. TOWNER, and Mr. CLARK of Missouri a committee to wait upon the President in accordance with a resolution heretofore agreed to.

THE COAL CONFERENCE.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. DENISON. Mr. Speaker, the conference is still going on in the city of Washington between the representatives of the coal miners of the country and the operators, endeavoring to adjust the differences which have resulted in the strike and the injunction granted by Judge Anderson at Indianapolis. I hope the Members of the House have read the telegram that came from Birmingham, Ala., and which was inserted in the Record by the gentleman from Indiana [Mr. BLAND], by consent of the House, on last Saturday. It seems that during the war the Department of Labor caused an agreement of some kind to be made in the coal field of Alabama in which the miners acted collectively in fixing the scale of wages, and so forth, and as a result the miners in that district have been acting collectively, and have been to a large extent unionized. They recently went out on strike with the other coal miners of the country, and then, when Judge Anderson entered his mandatory injunction, the strike orders were canceled, and they were, of course, ordered to return to their work by the national officers.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. DENISON. I can not yield now.

Mr. BLANTON. Mr. Speaker, this is such an important subject and embraces so many different points that I think the absent Members ought to be present to hear the discussion.

Mr. DENISON. I yield to the gentleman if he wants to ask a question, and intends to make a point of no quorum.

Mr. BLANTON. I just wanted to call the gentleman's attention to the fact that the order of Judge Anderson did not command any miner to go back to work, and the gentleman's remark in that respect is not exactly accurate. In fact, there are 400,000 miners to-day who have not obeyed that order and who have not gone back to work.

Mr. DENISON. I did not say that Judge Anderson ordered the men to go back to work. I said the men were ordered to go back by their officers, who were acting under the injunctive order of the court. That is what I said, and that is true. The order for the strike was canceled and the men were ordered to go back by the officers.

Mr. BLANTON. And they have not obeyed those orders.

Mr. DENISON. When they undertook to obey those orders and go back to work in Alabama the operators refused to let them go back, because they had union cards. I talked with the Department of Justice to-day and asked what had been done about it, and I have been informed that nothing has been done as yet, because they claim they can not get the facts. They have asked for a conference here on next Friday between the operators down there and the miners' officials. I hope that conference will soon result in adjusting the matter so that the miners in the Birmingham district may be allowed to return to work. Their funds are now tied up under the injunction order and at the same time they can not return to work. There are a great many of the miners who are actually suffering, and that is a great injustice to them. I hope the Department of Justice will enforce this law equally against the operators if it is to be enforced against the miners, because if they do not do so a serious injustice will be done.

Mr. MAYS. Mr. Speaker, does the gentleman say that any considerable number of those 400,000 men have tried to go back to work and that the operators have refused to take them back?

Mr. DENISON. I do not know how many, but my information is that the operators have refused to let them go back to work in the Birmingham district.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. CANDLER. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended for three minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. CANDLER. Mr. Speaker, will the gentleman yield?

Mr. DENISON. Yes.

Mr. CANDLER. It was stated a moment ago by the gentleman that he hoped the Department of Justice would enforce this law against the operators just the same as against the miners.

Mr. DENISON. Yes.

Mr. CANDLER. I will state to the gentleman that I heard the distinguished Attorney General of the United States, Mr. Palmer, say that he was determined to do that, and therefore that he wanted some additions to some laws in order that he might be able to enforce it.

Mr. DENISON. Yes; but I not only want him to say he will do that, but I want him to do it; he has not done it up to this time.

Gentlemen, there is a feeling among the coal miners of the country, and this feeling is finding frequent expression, to the effect that the Attorney General is not dealing fairly with the miners of the country in enforcing this law by mandatory injunction against the officials of the coal miners and not enforcing it against the operators, particularly in the Birmingham district, who have refused to allow the men to return to work because they are union miners. The attention of the Department of Justice has been called to this situation and my information is that facts have been presented to the Attorney General showing the claims of the miners to be true. Of course, I have no personal knowledge of the facts. But it will do no good for the Department of Justice to spend very much time in trying to ascertain the facts and then undertake to enforce the law. It would seem to me that the Attorney General should have acted promptly and ascertained the facts immediately, because it will not do the coal miners any good after they have been reduced to a state of suffering because of the delay.

I am one of those who believe in union labor in coal mines as elsewhere, and I believe in the value and justice of collective bargaining with reference to wages and working conditions. And since the mines in Alabama have been unionized and wage matters have been adjusted by the principle of collective bargaining during the days when the country was engaged in war and was in need of the result of their services, I do not believe that the Department of Justice should permit the operators down there to lock out of their mines these same coal miners on the ground that they belong to labor unions. If the law enacted primarily as a war measure is to be enforced by the Attorney General against the miners, it should be enforced against the operators; and since the officials of the miner's organization have bowed to the law and the orders of the court, the operators in Alabama who refuse to allow the men to return because they are union men should be brought before the court and compelled to obey the law. As I understand it, this court proceeding was not begun on behalf of the coal operators of the country, but on behalf of the public who would have suffered by reason of the shutdown of the mines; and the public has the right to insist that the operators be not allowed to break an agreement any more than the miners. If this is not done, there may be some truth in the charge that the law is being enforced against one class and not against another, as well as in one section of the country and not in another.

I hope that the conference may soon be held and that the Department of Justice may speedily ascertain the facts, and if the facts are as have been reported and presented to the Attorney General, I hope that Mr. Palmer will either order the operators in the Birmingham district to comply with their contract and allow the men to return to work without discrimination or that he will have the injunction order modified as to them so that they can receive the benefit of their funds to support themselves and their families.

The SPEAKER. The gentleman's time has again expired.

EXTENSION OF REMARKS.

Mr. GOODYKOONTZ. Mr. Speaker, I ask unanimous consent to insert in the Record an address made by me before the West Virginia Bar Association last August.

The SPEAKER. Is there objection?

Mr. WINGO. Upon what subject?

Mr. GOODYKOONTZ. On the subject of the Constitution.

The SPEAKER. Is there objection?

There was no objection.

RECESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the House stand in recess until 4 o'clock p. m.

The SPEAKER. Is there objection?

Mr. HEFLIN. Mr. Speaker, reserving the right to object, there are one or two of us who would like to address the House for five minutes.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. HEFLIN. Yes.

Mr. WALSH. Is the gentleman going to address the House upon the election in Oklahoma?

Mr. HEFLIN. I would like to say something about the election in New Jersey and in Maryland. No; I desire to address the House upon the murder of American soldiers recently, something that we all agree about, and I desire five minutes.

Mr. SIMS. Will the gentleman from Wyoming put his request that after the gentleman from Alabama has used five minutes the House stand in recess?

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that after the gentleman from Alabama has addressed the House for five minutes the House stand in recess—

Mr. CARAWAY. Mr. Speaker, reserving the right to object, will the gentleman make it 10 minutes? I would like to have five minutes. I have not asked since I have been a Member of the House—

Mr. MONDELL. The trouble is, if we carry this too far—

Mr. CARAWAY. Oh, then do not do it.

Mr. MONDELL. I have no objection to such requests from these gentlemen if Members would like to hear them.

Mr. HEFLIN. I ask unanimous consent to address the House for five minutes.

Mr. RAYBURN. I would like about three minutes.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that after the gentleman from Alabama addresses the House for five minutes that the House then stand in recess until 4 o'clock. Is there objection?

Mr. CANDLER. Mr. Speaker, I understood the gentleman from Wyoming to modify his request, and I ask that the gentleman from Arkansas have five minutes.

The SPEAKER. The Chair understood the gentleman from Arkansas to withdraw his request.

Mr. MONDELL. Mr. Speaker, so far as I am concerned, I should be delighted to hear all these gentlemen. I am sure their remarks will be interesting and very instructive; but my opinion is that if we do not recess some one is likely to make a point of no quorum, and that would be very embarrassing at this stage of the proceedings. I will renew my request, that after five minutes, to be given to the gentleman from Alabama—

Mr. CANDLER. Make it 10 minutes, 5 minutes to be given to the gentleman from Arkansas [Mr. CARAWAY].

Mr. MONDELL. I make it 15 minutes, 5 minutes to the gentleman from Texas, five minutes to the gentleman from Alabama, and 5 minutes to the gentleman from Arkansas, and that the House stand in recess until 4 o'clock.

Mr. GARLAND. I want five minutes. I object.

Mr. WALSH. Will the gentleman from Wyoming yield?

Mr. MONDELL. I will yield.

Mr. WALSH. Would the gentleman have any objection to preferring a request that at 1.35 the House stand in recess until 4 o'clock?

Mr. MONDELL. I would have no objection, Mr. Speaker; but, Mr. Speaker, let me make this suggestion: I do not think this is the time for controversial discussion. Any Member of the House can make a point of no quorum at this time. I have no disposition to object to unanimous consent for gentlemen to speak, but I trust gentlemen will not discuss subjects that are likely to lead to disagreement or desire for further discussion, and I hope there will be no discussion on controverted subjects.

Mr. RAKER. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. RAKER. Let the gentleman from Pennsylvania have 5 minutes, and make it 20.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that at 1.25 the House stand in recess until 4 o'clock. Is there objection? [After a pause.] The Chair hears none.

Mr. HEFLIN. Mr. Speaker and gentlemen of the House, the subject that I wish to discuss briefly this morning is of serious

concern to every loyal American citizen, for it affects the very life of the Nation. According to the Washington Post of yesterday that paper received a circular sent out by the red anarchists of America, in which they call upon their members to buy arms. The members are urged in that circular to arm themselves "and shoot into the breasts that dare to attack them."

Mr. Speaker, these alien enemies have by insidious attacks and secret intrigues taught disrespect for American institutions and disobedience to the mandates of constituted authority. They have sought to weaken and impair in every way possible the policies and the powers that make up constitutional government in America. [Applause.]

They have tried to poison the minds of our own citizens against America. They have sown the seeds of sedition and treason. Now they openly advocate defiance of law and order, and they have dared to murder American soldiers who carried our flag and wore our uniform in a peaceful parade in Centralia, Wash., an American city.

Their seditious, treasonable, and murderous conduct is a challenge to America, and America must accept the challenge. [Applause.]

No man or set of men who have for their purpose the overthrow and destruction of American institutions must be permitted to remain in America. [Applause.]

Mr. JOHNSON of Washington. Will the gentleman yield right there?

Mr. HEFLIN. I have only a few minutes.

Mr. JOHNSON of Washington. I am sure the gentleman will agree with me that not only anarchists but all aliens who preach the overthrow of our Government should be deported. [Applause.]

Under section 3 of the immigration law concerning anarchists two aliens thought to be anarchists were excluded from the United States during the year ending June 30; 37 of that class were expelled from the country during the same period and 56 are awaiting deportation, a total of 92.

Mr. HEFLIN. I am in favor of employing at once every means at the command of the Government in locating these alien enemies and getting rid of all of them at the earliest moment possible. [Applause.] To that end I want to see Congress at an early date amend the present law or enact new laws that will cover all of these cases. [Applause.]

Mr. LAZARO. Will the gentleman yield?

Mr. HEFLIN. I would be glad to yield to my friend, but I have only three or four minutes left. Mr. Speaker, I mentioned a moment ago the murder of American soldiers in the State of Washington. On the 11th day of this month out in the State of Washington men who had stood on the firing line in France fighting for American liberty, fighting for the preservation of the Republic, home again, with our flag flying above them as they marched in a peaceful parade, were shot down and foully murdered by red-handed anarchists right here in the United States. The blood of these boys cries out to Democrats and Republicans alike and to all real Americans to drive these enemies from our country. [Applause.]

How long will we permit these enemies to remain in our midst? Will the country that these boys fought to save from the enemy from without now permit them to be murdered by the enemy from within? The time has come for action—swift, drastic, decisive action. [Applause.]

Our boys in uniform conquered the enemy from without; now let us who share the fruits of their victory rid the country of the alien enemy from within. [Applause.]

These men have no respect for the laws of America. They hate and despise them.

They mock the mandates of our courts and defy constituted authority. [Applause.] In the majesty of the law stands the bulwark of constitutional liberty in America. It is the Nation's city of refuge from Bolshevism and anarchy [applause], and they who fly the red flag of anarchy above the Stars and Stripes are the foes of law and order in America, and they are the deadly enemies of our country. [Applause.]

We have seen enough to convince us that there is an organized plan or conspiracy on the part of alien enemies here to weaken and destroy the institutions of our country. This deplorable and dangerous situation, I repeat, calls for action. [Applause.]

Just think of it. Right here in the household of America is an association of alien enemies attacking in every way possible the very Constitution of our country—the organic law of our great Government—the ark of our covenant in civic affairs, and their avowed purpose is to overthrow and destroy it. Gentlemen of the House let me say in conclusion, there is not room enough in America for these enemies of our country. [Applause.]

In the interest of those now living and in the interest of those who shall come after us, we must act as whole-hearted

Americans should act on this all-important question. [Applause.] These enemies who disturb our peace, defy law and order, preach treason in our midst, and seek to overthrow our Government must either be driven out of the country or executed in it. [Loud applause.]

Mr. LAZARO. Mr. Speaker, I ask unanimous consent that the gentleman may have one minute in which I may ask him a question.

The SPEAKER. The time has been allotted.

Mr. CARAWAY. Mr. Speaker, I will be glad to yield out of my time sufficient for the gentleman from Louisiana to ask the gentleman from Alabama a question.

Mr. LAZARO. I fully agree with what the gentleman says, that any man who opposes our flag ought to be sent out of the country, but is it not a fact that Congress ought to undertake additional legislation to strengthen the hands of the Attorney General, so that he can locate, charge, try, and convict these men?

Mr. HEFLIN. That is true, and I hope to see it done after the Congress meets in December.

Mr. LAZARO. We should talk less about it and enact legislation to enable him to do so.

Mr. HEFLIN. Give him authority.

The SPEAKER. The gentleman from Arkansas [Mr. CARAWAY] is recognized for four minutes.

Mr. CARAWAY. Mr. Speaker and gentlemen of the House, I ask for this time merely to read a press report of a telegram sent to President Wilson and to make a brief statement about an occurrence that took place in my district recently. I have not discussed it before, because there were features about it that I did not care to inject into discussions on this floor.

A negro organization in Phillips County, Ark., had planned to kill the owners of plantations and to take possession of the land. In that county the population is largely black; in some communities there are more than 10 negroes to 1 white person. It is one of the old counties of the State, and to the credit of its splendid citizenship there has never been a lynching within the county. There has never heretofore been any friction between the negroes and the white people living in that county. It is a law-abiding community. Growing out of this insurrection there were a number of lives lost, both white and black. Later something like a hundred negroes were arrested. They admitted the organization of a plot and their intention to assassinate the landowners. There was strong pressure from the more hot-headed part of the population to take the law into their own hands as to some of the accused, among them two white lawyers, who seemed to have been mixed up in the conspiracy, and lynch them. But the officials preserved order. No man suffered at the hands of a mob. Everyone connected with the riot who has been arrested had his case submitted to a grand jury. Some of them were indicted and have been tried. Among these were 11 negroes who were admitted to be ringleaders and who had participated in the fight that resulted in the killing of one soldier of the United States, one ex-soldier, several deputy sheriffs, and a number of citizens who were summoned by the sheriff of the county and were commissioned as deputy sheriffs and were trying to make arrests of people who had violated the law. Eleven of these negroes so arrested were sentenced to death.

There is in New York City an association called the National Association for the Advancement of Colored People. I think its correct title should be "An association for the promotion of revolution and inciting to riots."

Let me add but a few words in reference to Phillips County. As I said, it is one of the oldest counties in the State. It was settled long before the Civil War by people of education and means. It has been the birthplace and the home of statesmen, authors, soldiers, and men and women prominent in every walk of life. As an illustration, Helena, now a splendid city of 20,000 people, at the beginning of the war between the States, had a population not exceeding 2,500. Three-fifths of these at least were slaves. Yet it furnished to the Confederate Army seven generals. Among these were Gen. Cleburne, Hinson, Tappan, Govan, and others. Those not mentioned were equally as deserving as those whose names are given. In civil life it has given to the State governors, Senators of the United States, judges of the highest courts, and men and women renowned in every field of intellectual accomplishment.

It should not be traduced by a society whose chief activities have been, as I suggested, to promote revolutions and incite to riots.

Under my extension of remarks I wish to have incorporated an article appearing in the New York World of Sunday, November 16, 1919, written by an investigator who is a citizen of the place in which the society has its headquarters, New York City. Save for a few errors as to population and some

others evidently typographical, the article in the main is correct. The article is entitled "Eleven negroes to pay with their lives for greed of one."

ELEVEN NEGROES TO PAY WITH THEIR LIVES FOR GREED OF ONE—"ELAINE UPRISING" IN ARKANSAS CAUSED BY ROBERT L. HILL, WHO SAW OPPORTUNITY TO REAP A GOLDEN HARVEST—HIS "HOUSEHOLD UNION" SOURCE OF BIG REVENUE—FANNED DISCONTENT OVER PAY FOR COTTON INTO DISORDER WHICH RESULTED IN MURDERS—DID ALL IN NAME OF GOVERNMENT.

[By Clair Kenamore.]

HELENA, ARK., November 17.

"The Elaine uprising" is finished and the books are balanced. Except for a dribble of indictments expected from the grand jury, which meets to-day, the execution of 11 negroes at the State penitentiary two months hence, and the trial of a few cases still on the docket, the incident is closed.

Prompt and vigorous action of citizens and soldiers has left no trace of the trouble, and serious men, who hope to prevent a recurrence, wonder whether the sore has been cured or its virus driven inward to reappear elsewhere. One of the reasons for fearing a recurrence is that the principal germ, Robert L. Hill by name, has not been isolated.

The story of the uprising is now a complete and soon told tale, and in reading it the reader should know and accept as a basis that Arkansas, like all the South, is a white man's country. Whatever majority of numbers the negroes may have in any community, and at places it is 1,000 to 1, the white is still the ruling race.

They accept the responsibility and they manage the affairs. They care for the negroes in their employ, advance them money a year ahead of crop time, advise them, manage for them, and govern them. It is the custom of centuries, and whether good or bad is not for me to say.

THE ELAINE DISTRICT.

The country about the little town of Elaine is cotton land, owned in large parcels by corporations and opened up in recent years. The land nearest Elaine is owned by the Gerard B. Lambert Co., composed of the St. Louis family of chemical manufacturers. Into this section last spring and summer came a short, thin, very black negro wearing a frock coat. His name was Robert L. Hill, and he came from Winchester, Ark., where, with his wife, he lived on a small farm.

He gave advice to negroes after the manner of a lawyer, and he liked to speak at meetings. He could read and write, but that was the limit of his book learning. He pretended to have, or really had, a deeply religious turn, and spoke and prayed at church. But the thing he had most surely was that personal magnetism which should be part of the equipment of all confidence men, orators, politicians, and evangelists. Whether he came to Elaine with his scheme full blown or whether it grew with each fortuitous circumstance and condition I do not know.

Phillips County has about 6,000 population, about three-fourths of which is black. In one township there is only one white man. In another township there is not even one. Conditions among the tenant negroes were ripe for Hill and his promises, because of the most recent attempt made to improve them.

It is the custom of the owner of the land to lease it to the negroes on a crop-sharing plan, whereby owner and renter each take half of the crop of cotton. The agreements are made the first of the year, and upon the landlord is the obligation to "carry" the tenant through the year.

Provisions are supplied to the tenant, and all goods he uses for himself and family are supplied, and there is no settlement until the crop is harvested. Then the tenant hauls the baled cotton to town, investigates its price, and has it sampled, and the landlord immediately makes a settlement, usually at a cent or two a pound under the market price. This is to protect the landlord against a possible slump or to reimburse him in case he has to hold the cotton for a time for a chance to market it.

But the important and most insisted upon thing, the planters say—and it is easy to be believed—is that the tenant shall get his settlement and the money due him instantly. When the cotton is delivered a year's work is done, and the worker wants his pay. Goods furnished throughout the year and money advanced are totaled up, and the sum subtracted from the price of the cotton. If there is a balance, the tenant takes it to do with as he wishes. It is his money.

If cotton goes up, the planter makes money. Friends of Mr. Theodore Paltbauer, of Chicago, say that he was desirous of giving his negro tenants a greater share of the profits when he inaugurated a system of delaying settlement with his tenants until he had sold his cotton. Other people say that, like any other northerner, who knew nothing of negroes, he thought he could compel them to stay on the land by thus holding out a settlement until it was too late for them to find another place to crop the following year.

THE NEGROES AROUSED.

Evil rumors spread among the negroes not only on this land but on all adjoining it. Every cabin hummed with the iniquity of it. Whatever the inspiration, the negroes saw in it only that great injustice, and known as such throughout the world, of withholding from the laborer his hire.

The firm of Bratton, Bratton & Casey, attorneys, of Little Rock, Ark., had set up a branch office in Helena. There were three Brattons, father and two sons. Casey had been a telegraph operator, train dispatcher, and lawyer. He had advanced ideas. The younger Bratton took contracts from the negroes to enforce a settlement for them and to get all moneys due them in the past.

Robert L. Hill was projecting around trying out his powers over his people and on the lookout for some way to make a living without working.

The southern part of Phillips County was just made to order for him. He decided that what was needed was not exactly a lodge, the lodge business being somewhat overdone, but a union. He formed the Progressive Farmers' and Household Union of America. He had already tried out the Negro Business League and the Great Torch of Liberty, but neither seemed indicated in this case.

PROCLAMATION OF LEADER.

Here is his proclamation under the caption, "The Negro Business League":

"Join the Progressive Farmers' and Household Union of America. "O, you laborers of the earth, hear the word! "The time is at hand that all men, all nations and tongues must receive a just reward!

"The union wants to know why it is that the laborers can not control their just earnings which they work for. Some of the leading business merchants and authorities are saying we are pleading the right cause and due consideration.

"There are many of our families suffering because our men are forced to act as children.

"We also plead that we be recognized as taxpaying citizens.

"Remember the Holy Word when the Almighty took John up on the mountain and commanded him to look, and asked John what he saw, and John said: 'I see all nations and tongues coming up before God.'

"Now, we are a nation and a tongue. Why should we be cut off from fair play?

"Hear us, O God, hear us!

"We only ask every negro man for \$1.50 for joining fees; women, 50 cents.

"Write Box 31, Winchester, Ark., and we will come down and set up a body among you. Get 15 men and 12 women. We will set you up together."

HILL'S BIG COLLECTIONS.

Hill worked through June, July, and August. As precedents were needed, he made them. The union flourished under his oratory, and he found fluency as he went along. The \$1.50 fee admission to the lodge was too easy so he spread out. There were grand lodge dues, which were cheerfully paid. Hill was the grand lodge. From some negroes he collected as high as \$150.

These were to have their names engraved on the temple "now being erected" in Winchester, Ark., and were to be members of the first congress to be held there. In addition, they were to have the right to speak on all motions and laws.

It was only when business commenced to wane that Hill began to emphasize the sinister side of the organization. He spoke darkly of the coming conflict, the oppression of the whites, and he chose his words well. He said all members who did not have guns should get them. The negroes had heard many patriotic speeches during the war, they had bought Liberty bonds and thrift stamps, and they were keenly patriotic and for the Government.

So many negroes bought Liberty bonds that some enterprising gentlemen from Kansas had been working among them explaining that they were only inspired by the keen interest all Kansans had in downtrodden negroes. Since Liberty bonds were practically worthless, these Kansans were willing to exchange several kinds of stock (all worthless) for these Liberty bonds. The law got the Kansans.

Hill wisely extolled the purchase of Liberty bonds and war savings stamps. For a \$50 Liberty bond he would have the name of any member engraved on the temple. Much of his receipts were in war savings stamps. He always was strongly for the Government, and made it a valuable part of his arguments.

BEGAN TO TALK FORCE.

By September 1 there were unions at Old Town, Elaine, Hoop Spur, Countess, Radio, Ferguson, and Melwood. Hill told them all, when he addressed the meetings, that he represented the Government, that the Government was in hearty sympathy with the union, and that it would see that negroes got their rights. In August he instructed that all members should bring their guns to meetings and that they should accumulate some ammunition.

The plan of taking guns to lodge meetings spurred up attendance, and heavy inside and outside guards, all armed, were thrown about the halls or churches where meetings were held. This, I feel sure, was only part of the theatrics prepared by Hill to maintain his hold on the negroes, but it cost many lives afterwards and will take a dozen more.

Hints of the unions began to get out to the white folks. Negro women spoke darkly of what was going to happen to their mistresses in the kitchens. Prominent whites, who had been listening to just such tales ever since the Civil War, paid little attention to it, but during the summer some big landowners bought \$5,000 worth of shotguns and ammunition and stored it in the courthouse at Helena. White folks driving past negro churches on Sunday saw men in church with rifles in their hands, but little was thought of it. Sunday is the favorite day for hunting.

PREDICTED RACE WAR.

Dr. V. E. Powell, who was the medical examiner for the union (Hill seems to have taken this idea from the Army), asked Hill how this rising would come. Hill said it would come in different ways. There would be a war between the white folks and the negroes. The negroes must get arms and prepare for it. Powell gave a pig for a 45-70 Winchester. This Powell, who had been educated in Pine Bluff and in Nashville, said exultantly to a member one night: "Boy, we are rich. We are going to get 1,600 acres for \$200. We have already got 160 acres apiece for \$14."

Hill drove among the negro farmers with Bratton, the white man, while Bratton was making contracts to handle the negroes' law cases. Hill would refer to this at meetings and say that there were white lawyers who would take care of the union if anything happened. He was never definite in his talks, but spoke vaguely of what was going to happen, and "when something happens," and such indefinite phrases, which gratified a thirst for secrecy and mystery.

The negro doctors, preachers, and farmers all seem to have obeyed the unlettered Hill implicitly after they came to know him. He had a medical examiner for the union who signed as "United States representative." The joiner paid 50 cents for a card. To have it signed cost 25 cents additional. Sometimes business was so brisk that the doctor had to sign them in blank and let the local secretary fill them in later.

HAD TO FURNISH THRILL.

By September Hill had dealt out sensations to the union members so liberally that it required some pretty strong stuff to furnish the needed thrill, so he told them it was getting close to the time to strike. He told them of the army of 500 trained men he had at Winchester, which was going to help the Phillips County negroes when the time came. He told them to pick the white men who were to be the first to die.

The superior councils named 21 of them, all big planters who based land on crop-sharing plan. Cotton was selling at 35 cents then. The inspired Hill told the union meetings that cotton was going to 50 cents. The Government had told him so. Whenever he showed literature it had across the top in heavy letters, "Orders from Washington, D. C."

Hill told of men who were on October 6 to take a bale of cotton to one of the doomed white men. The negro was to demand 50 cents a pound. Most of the whites in Helena believe that Hill's instructions were for the negro to kill the planter as soon as he had refused to allow him 50 cents a pound for his cotton, but I have been unable to find proof of this. I think Hill had something else in mind.

KILLING NOT INTENDED.

I do not believe that Hill intended that there should be any killings anywhere. He planned in fine detail a great uprising and massacre, but he never intended that it should occur. There would have been no money in that for him.

By the last of September he had \$12,000 in the bank at Winchester. If he had taken this money and bought cotton on the assumption that his prediction was true, he would have made money, for cotton went to 50 cents, but he kept on making plans for the overthrow of the white control and the establishment of black equality or supremacy, plans which he knew would spoil the union if carried out. He relied on himself to shift and change the orders, to back and fill and argue enough to cut off any serious menace to the profitable union, but the interest in the meetings had to be maintained.

Hill attended a meeting of the union at Hoop Spur on Friday night, September 26. It was a big meeting and very enthusiastic. Hill spoke very strongly against the whites, and insisted that the salvation of his race lay in organization. He said all meetings must be well guarded, and that no whites should be allowed to molest them.

There was another meeting there the next Tuesday night, but Hill was elsewhere. The church was crowded and two rings of guards armed with rifles and shotguns kept watch outside.

The guards saw the headlights of an approaching automobile and drew back into the brush to let it pass. At the little creek near the church it stopped. The guards drew near, silently, in the darkness. A man standing near the machine said, "Going coon hunting, boys?" There was no more conversation. The guards drew back, and one of them fired.

Then they all fired, and then fired again. The meeting was in a riot. Negroes leaped through the windows, firing into the air as they landed on the ground. Leaders went to the road and found a dead white man, and near the body two boys quarrelling about who had killed the white man. On his body they found a flashlight and a Colt automatic.

The automobile had contained officers looking for a moonshiner who had been on a big drunk. They had never heard of the union and had not the slightest interest in it. W. A. Adkins, who was killed, was a special agent of the Missouri Pacific, who lived in another county.

AUTHORITIES NOTIFIED.

Deputy Sheriff Pratt, who was shot through the knee, crawled to the railroad, flagged a freight train and was taken to a station from which he telephoned Sheriff Kitchen in Helena an account of the affair. A negro trusty who was in the automobile crawled away from the church and walked to another station, from which he telephoned a still more exciting account and said that the fighting was still going on.

A white man named Monroe, who stopped at the scene an hour later, seeing the automobile and the dead man, was fired upon and wounded twice. He cranked his Ford under fire from the brush and got through to Elaine, 2 miles away, and telephoned to the sheriff. Helena was awake, up, and in the streets before day. Arms were issued and meetings were held of leading men of both colors to devise methods of keeping the peace.

Here is where Phillips County shows well. The white folks there give you to understand most emphatically that they are not lynchers. There has never been a lynching in the county, they say, and there is not going to be one. The law must prevail.

The governor was advised of conditions. Poses of men, made deputy sheriffs, were loaded into automobiles and started toward Hoop Spur. The first were of the American Legion camp, men newly returned from overseas.

THE UNION IS AROUSED.

In the meantime the Progressive Farmers' and Household Union of America was functioning. In the records of more than 100 preliminary examinations of members of the union which I examined, more than 60 who had not attended the Hoop Spur meeting Tuesday night said that they were awakened before daylight Wednesday. They were ordered to go to this or that man's cabin. The great fight had begun!

"Bring your guns and ammunition," the couriers said.

Soon after daylight the first automobiles from Helena were seen coming down the big road above Hoop Spur. More than a hundred negroes lay in the brush. The automobiles stopped and the men alighted. Frank Hicks, a quarter of a mile away, had his power rifle. He "made two shots, just to scare them," he said. Clinton Lee, a white man, was killed. Frank Hicks will be electrocuted January 2.

The negroes had a few returned soldiers among them, but they had not been drilled as yet. The ex-soldiers tried to maneuver them from column into line and from line into column, but without avail.

"Who was commanding your gang?" Frank Hicks was asked at his trial.

"The obligation proclaimed the leader," he replied.

"Who did it proclaim?"

"My brother, Ed Hicks."

That afternoon, with posses working throughout the section, Elihu Johnson, black, and his three brothers were found, all heavily armed, south of Elaine. Johnson was a dentist in Helena and considered well to do. The four were put in the automobile, after being disarmed, and put on the rear seat. The white men sat on the front seat, and the party started to Helena.

At a stop, when two of the white men got out, one of the Johnsons leaned forward, seized Orley R. Lilly's revolver and killed him. The other white men killed the negroes at once. James A. Tappan, another white man, was killed from ambush, and the next afternoon 500 soldiers from Camp Pike arrived.

So completely were the negroes under the spell of Hill that when the soldiers detained, and the news spread among the negroes, they believed it was Hill's army from Winchester coming to aid them against the whites. They were soon undeceived. One soldier, Corpl. Earls, was killed and soon posses and soldiers had the armed blacks penned in the canebrakes.

Hill was seen near his little farm near Winchester that day, and on that day and the next more than \$12,000 of this was withdrawn from the bank. It is the last sight of him. He silently stole away, and he is the only prominent member of the union unaccounted for.

Of the 700 members the union had in Phillips County probably more than 400 were hiding, armed, in the cane brakes. Between 15 and 20 had been killed. As the lines of whites, soldier and civilian, drew closer about them they began to surrender, and once that process was under way each negro tried to be early at the surrendering. The Helena jail was filled and the basement of the courthouse. Three big Army trucks carried the captured rifles and shotguns.

In Elaine there were 300 black prisoners, and a committee of 7 combed through them to find the guilty and free the innocent. More than 200 were released without further ado.

In Helena the whites handled the situation with a strong hand. If a white man had a drink or two and started talking loud on the street, he went to jail. There were six white citizens so restrained before noon on Wednesday.

All firearms in Helena stores were interned, but most of the arms in the union section had been bought from mail-order houses in Chicago and delivered at post offices across the river.

SOON BACK AT WORK.

By the last of the week the negroes who were not in jail were back at work picking cotton or spending their "seed money." One of the quaint customs, and one to which Mr. Falthauer tried to apply modern business principles, is that the tenant gets half of the proceeds of the cotton seed, no matter how much he may be indebted to the landlord for advanced provisions.

The best lawyers in the county were appointed by Judge J. M. Jackson to defend the accused negroes. Under the law, which makes each party to a conspiracy guilty of all the crimes which flow out of the conspiracy, all might have been indicted for first-degree murder, but the court earnestly tried to administer a fairer justice. Of the 100 negroes indicted 11 were sentenced to death. These were negroes who were shown to have fired shots at white men.

Among them were the Hicks brothers, who had been officers of the Hoop Spur Union; Ed Coleman, who was past 60, and whose reputation had been good all his life; and J. E. Knox, a preacher. Virtually all of the negroes convicted were of the class of steady workers, considered in the South to be the best of the race.

The cases were prepared with great care before court convened. The jury was all white, and there was no delay in finding verdicts. This is the only thing about the affair which has an evil look.

Verdicts found in two or seven minutes look much like prearrangement, but in these cases the stories of the negroes convicted them. Some of the lawyers refused to allow their clients to go on the stand, because the story they had to tell made the cases worse for the defendants than that of outside witnesses.

One man was acquitted. Of 50 found guilty of second-degree murder, 10 were sentenced to 21 years. Eleven negroes were given one year in prison for night riding. This is a felony in Arkansas. To ride at night to another man's home for the purpose of inducing him to violate a law or to break a contract is a crime. Thirty were bound over to the next grand jury and released on bond.

The trials of the accused negroes were handled with the greatest expedition, once the cases were prepared. All the evidence was given by members of the union and virtually every one of those indicted were ready to plead guilty to murder in the second degree when the condition was explained to him rather than go to trial.

As an example of the manner in which the testimony came in, the case of Frank Hicks is a good one. The negroes had all been told by Hill that the Government was on their side and that white lawyers from Little Rock would take care of them.

Hicks said that on Wednesday morning when he "made" two shots in the direction of the four men coming down the road his idea was to scare them. He wanted them to know that the negroes were out and armed and that they were backing up the Government, and that they would have no white folks molesting them. The members of the posse were then put on the stand to show that one of these shots killed "Buddie" Lee. That completed the case, and the jury retired and returned almost at once with the verdict of guilty.

Old man Coleman contended that he did not fire a shot. He said that while the other negroes were shooting he was standing up waving his rifle and telling the members of the union to give it to them, and he was in the crowd which fired on the posse. The State showed that a member of the posse was killed by this fire and rested with that testimony. The jury in this case took no longer to decide than in that of Frank Hicks.

EVIDENCE WAS CONVINCING.

In every case the evidence against the men was convincing, and that it came from members of the union was considered sufficient proof that it would be unbiased, or at any time unbiased in favor of the State.

The leading members of the bar and the officers of the law all believe that the evidence was such as would have convicted the men in any court in the country.

Most of the other cases not yet tried are night-riding cases, except that of Ed Ware, a leader in the union, who was brought back from New Orleans last Thursday.

I discussed the case with a negro leader of great power among his people, who is, I believe, most earnestly interested in the welfare of his race.

"Cases like this will occur," he said, "as long as my race produces brilliant specimens of the grafter like this man Hill. While I earnestly believe that the remedy is education, still I know that guiltibility and credulity can not be educated out of people."

LOYALTY TO GOVERNMENT.

"These ignorant negroes doubtless thought they were doing a wise and patriotic thing. The whole fabric of this deceit was founded on loyalty to the Government."

"Every cabin has its Liberty bond and its war stamps. Vicious men, both white and black, have haunted the county ever since, using every device to get these bonds. Why not educate the negroes to a point where they will not be easy prey for every outsider who drifts in to profit on their credulity?"

Of the white men, there was no evidence which convinced me that they had knowledge of the plan for an uprising. One of the Brattons and Casey were indicted for barratry, which an almost forgotten statute describes as stirring up strife and contention in court or out.

Mr. Falthauer has sold out his holdings for \$600,000 and withdrawn to Chicago.

THE SPEAKER. The time of the gentleman has expired.

Mr. SMITH of Idaho. Mr. Speaker, I ask unanimous consent that the gentleman have five minutes more. There will be some time that will not be used by other Members.

THE SPEAKER. The gentleman asked for five minutes, and the Chair thinks it is hardly fair to the other Members to grant him additional time.

Mr. RAYBURN. Mr. Speaker, out of the five minutes allotted to me, if I may be allowed, I yield to the gentleman—

Mr. CARAWAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

THE SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CARAWAY. This society I mentioned appeals to the governor of my State and to the President of the United States to stay the execution of these confessed criminals, and makes the statement that no punishment has been meted out to white rioters, and there is not any evidence anywhere that any white person was engaged in riot. There were no white persons on the scene except commissioned officers, who were deputized to preserve order. No white person had incited to riot except two white lawyers who were alien to that community and have been indicted. No others were mixed up in the riot, if you call it a riot, except these two white men and the negroes who undertook to overthrow the local government. These negroes were given a fair trial in a court of justice and convicted by a jury. No appeal was taken by them from these verdicts, although they were represented by able lawyers. There was not a line of evidence offered that anyone could believe that tended to show they were not guilty of a conspiracy to murder, and had, in fact, committed murder. And yet this society sends broadcast throughout the land an appeal to the President to immediately investigate the situation down there. Now, heretofore, this society has contended that it wanted the law enforced; that it wanted an end to lynching. Here is a county that refused to permit any harm to come to any of these people. No punishment of any kind was or is to be inflicted on them except through the courts, the legally organized tribunals; notwithstanding this, this society now slanders the people of this community and gives utterance to this falsehood. It is apparent that agitation and not justice is desired.

Mercy and not harshness has been manifested by the people of Phillips County, but justice is not the aim of this society whose telegram was the occasion of these remarks. It thrives financially by falsehoods and antagonisms. If people who know nothing of conditions would take time to ascertain the truth, societies like this would cease to exist. Its membership is composed of but two classes. One class is desirous of meddling with affairs of which it knows nothing—merely to be in the public eye—the other seeks advantages for itself, whatever harm may follow.

Mr. RAYBURN. Mr. Speaker, in the brief time I have I want to say—not for the effect it will have here but for the effect it will have in another body—that for this Congress to adjourn without passing the Sweet bill, which is a composite of the measure introduced by me and the one introduced by the gentleman from Iowa [Mr. SWEET], for increased compensation to disabled soldiers of this country, approaches a tragedy [applause], and I trust before both bodies shall cease their labors for this session that this very humane and necessary legislation may be written finally into law.

The SPEAKER. The gentleman from Pennsylvania [Mr. GARLAND] is recognized.

Mr. GARLAND. Mr. Speaker, a few moments ago the gentleman from Illinois [Mr. DENISON] said that he had received information to the effect that when the strike of the coal miners was called off—

Mr. BLANTON. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. What was it that was assured to us by the gentleman from Wyoming? Was it not that in these 20 minutes there should be no speeches on controversial matters, where Members might take issue with each other on the subject of debate? If the gentleman is going any further into the subject discussed by the gentleman from Illinois [Mr. DENISON] I shall have to ask for a quorum to be present to hear him, because it is not in accord with the assurance given by the gentleman from Wyoming. This is a matter in which I probably would take issue with both the gentleman from Illinois and the gentleman from Pennsylvania.

Mr. GARLAND. Mr. Speaker, is this to be taken out of my time?

The SPEAKER. It is.

Mr. GARLAND. Then I shall have to object.

The SPEAKER. It was understood that controversial matters would not be discussed. The Chair hopes that the gentleman from Pennsylvania will not indulge in the discussion of controversial matters.

Mr. GARLAND. I do not want to provoke discussion, but I do want to make some general remarks. One is that the newspapers inform us that the coal miners did not go back to work when their leaders declared the strike off. That, to my mind, is only evidence of this fact—the futility of the United States Government interfering in any arrangement between employer and employee. I simply want to call attention to that fact. I believe it is wrong to try to do it. I believe it never does any good, and there is no evidence that it has ever done any good.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present. The gentleman is condemning the United States Government.

Mr. GARLAND. Oh, no; I am not condemning it. I say it is better, in my estimation, that the Government should not interfere. I am not condemning it, because we have the right—

Mr. BLANTON. Mr. Speaker, if the gentleman will keep within the bounds of the assurance given by the gentleman from Wyoming, I shall not object.

The SPEAKER. The Chair understands the gentleman is keeping within the assurance.

Mr. GARLAND. I am simply presenting my idea of whether the United States Government should interfere or not interfere.

Mr. BLANTON. Mr. Speaker, I withdraw the point. I do not think the gentleman ought to discuss a subject that is bound to provoke controversy.

Mr. FOSTER. Mr. Speaker, I object to the gentleman making any remarks outside the point of order.

Mr. GARLAND. I object to this discussion. I did not raise any objection to the discussion. In my estimation the proof all shows that if you keep away from the employers and employees in any line—I do not mean any particular strike, but in all lines—in cases of difference they will settle their own affairs. It is much wiser than for the Government to go in, because just so sure as you try to go in there and interfere between the two parties and arrange for a settlement, just so sure you get them both imbued with the belief, and they will try to act on that belief under that arrangement and they will unload the trouble on somebody else. They will say, "We will not have the trouble between ourselves, but we will unload it on the Government," and in consequence it produces much more bitter strife and difference than if the Government were to keep out of it.

The SPEAKER. The time of the gentleman from Pennsylvania has expired. Under the order, the House stands in recess until 4 o'clock p. m.

Thereupon (at 1 o'clock and 25 minutes p. m.) the House stood in recess until 4 o'clock p. m.

The recess having expired, the House resumed its session.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Sharkey, announced that the President of the United States had approved and signed bills of the following titles:

On November 15, 1919:

H. R. 3844. An act for the relief of Della James.

On November 19, 1919:

H. R. 3143. An act to provide for further educational facilities by authorizing the Secretary of War to sell at reduced rates certain machine tools not in use for Government purposes to trade, technical, and public schools and universities, other recognized educational institutions, and for other purposes;

H. R. 6951. An act authorizing the return to the sender or the forwarding of undeliverable second, third, and fourth class mail matter;

H. R. 10208. An act to authorize the construction of a bridge across the Tennessee River at or near the city of Decatur, Ala.; and

H. J. Res. 249. Joint resolution to continue the control of imports of dyes and coal-tar products.

Also that bills of the following numbers and titles having been presented to the President of the United States for his approval, and not having been returned by him to the House of Congress in which they originated within the time prescribed by the Constitution of the United States, have become laws without his approval:

Presented to the President November 6, 1919:

S. 2883. An act authorizing the Meridian Highway Bridge Co., a corporation, to construct and maintain a bridge or bridges and approaches thereto across the Missouri River between Yankton County, S. Dak., and Cedar County, Nebr.; and

H. R. 7751. An act authorizing the sale of inherited and unpartitioned allotments for town-site purposes in the Quapaw Agency, Okla.

FINAL ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I desire to announce that the committee appointed to wait on the President and inform him that the House is ready to adjourn unless the President has some further communication to make, have performed that duty.

The President informed us, through his secretary, that he had signed the measures which had been acted upon by the House and were before him, and made no further communication.

Mr. Speaker, I move that the House do now adjourn sine die.

The SPEAKER. The gentleman moves that the House do now adjourn sine die.

The question being taken; on a division (demanded by Mr. Wisco) there were—ayes 56, noes 5.

Accordingly (at 4 o'clock and 1 minute p. m.) the House adjourned sine die.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of War, transmitting a tentative draft of a bill to allow credits and provide relief for certain officers of the Army and others (H. Doc. No. 301); to the Committee on Military Affairs and ordered to be printed.

2. A letter from the Acting Secretary of War, transmitting supplemental report on the amount of sugar in possession of the War Department (H. Doc. No. 302); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

3. A letter from the Acting Secretary of War, transmitting a letter from the Acting Chief of Engineers, United States Army, together with report of Col. Edward H. Schulz, Corps of Engineers, with map, on a preliminary examination of Pontwater Harbor, Mich. (H. Doc. No. 303); to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Secretary of War, transmitting, with a letter from the Acting Chief of Engineers, report on preliminary examination of Colorado River, Tex., with a view to devising plans for flood protection and determining the extent to which the United States should cooperate with the States and other communities and interest in carrying out such plans, its share being based on the value of protection to navigation (H. Doc. No. 304); to the Committee on Flood Control and ordered to be printed.

5. A letter from the Acting Secretary of War, transmitting annual reports of the Quartermaster General, the Director of Purchase and Storage, the Chief of the Chemical Warfare Service, the Director of the Tank Corps, the Chief of the Construction Division, the Chief of Coast Artillery, and the Chief of the Real Estate Service (H. Doc. No. 433); to the Committee on Military Affairs and ordered to be printed with accompanying papers.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 6134) granting a pension to Elizabeth Crossley; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10631) granting a pension to Lucy A. Leach; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10661) granting an increase of pension to James D. Ash; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CHINDBLOM: A bill (H. R. 10674) to authorize the acquisition of a site and the erection of a Federal building at Wilmette, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10675) to authorize the acquisition of a site and the erection of a Federal building at Lake Forest, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10676) authorizing the Secretary of War to donate to the city of Highland Park, Ill., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 10677) authorizing the Secretary of War to donate to the city of Evanston, Ill., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 10678) authorizing the Secretary of War to donate to the city of Lake Forest, Ill., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 10679) authorizing the Secretary of War to donate to the city of Winnetka, Ill., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 10680) authorizing the Secretary of War to donate to the city of Zion, Ill., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 10681) authorizing the Secretary of War to donate to the city of Highwood, Ill., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 10682) authorizing the Secretary of War to donate to the city of Glencoe, Ill., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 10683) authorizing the Secretary of War to donate to the city of Grays Lake, Ill., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 10684) authorizing the Secretary of War to donate to the city of North Chicago, Ill., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 10685) authorizing the Secretary of War to donate to the city of Wauconda, Ill., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 10686) authorizing the Secretary of War to donate to the city of Wilmette, Ill., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 10687) authorizing the Secretary of War to donate to the city of Libertyville, Ill., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 10688) authorizing the Secretary of War to donate to the city of Waukegan, Ill., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 10689) authorizing the Secretary of War to donate to the city of Kenilworth, Ill., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 10690) authorizing the Secretary of War to donate to the city of Antioch, Ill., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 10691) authorizing the Secretary of War to donate to the city of Hubbard Woods, Ill., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 10692) authorizing the Secretary of War to donate to the city of Lake Bluff, Ill., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. HULL of Tennessee: A bill (H. R. 10693) to amend the revenue act of 1918; to the Committee on Ways and Means.

Also, a bill (H. R. 10694) to amend the revenue act of 1918; to the Committee on Ways and Means.

By Mr. MAPES: A bill (H. R. 10695) to make the necessary survey and to prepare a plan of a proposed parkway to connect the old Civil War forts in the District of Columbia; to the Committee on the District of Columbia.

By Mr. RAKER: A bill (H. R. 10696) making it unlawful to board any passenger, freight, or other railway train used in interstate commerce, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Idaho: A bill (H. R. 10697) to amend section 165 of the Revised Statutes of the United States, act of July 12, 1870; to the Committee on Reform in the Civil Service.

By Mr. FOSTER: A bill (H. R. 10698) to further protect the property, processes, and governmental agencies of the United States Government from anarchy and Bolshevism; to the Committee on the Judiciary.

By Mr. DENT: A bill (H. R. 10699) to provide for the acquisition of a new site and the erection of a public building thereon in the city of Montgomery, Ala.; to the Committee on Public Buildings and Grounds.

By Mr. VOLSTEAD: A bill (H. R. 10700) to authorize the judges of the United States Court of Customs Appeals to be assigned to any district or circuit court of appeals of the United States, and conferring the jurisdiction of said courts upon them while so assigned; to the Committee on the Judiciary.

By Mr. GODWIN of North Carolina: A bill (H. R. 10701) granting the consent of Congress to the Whiteville Lumber Co., Goldsboro, N. C., to construct a bridge across the Waccamaw River, in Brunswick County, N. C.; to the Committee on Interstate and Foreign Commerce.

By Mr. HULL of Tennessee: A bill (H. R. 10702) to amend the revenue act of 1918; to the Committee on Ways and Means.

By Mr. PARRISH: A bill (H. R. 10703) to provide for the acquisition of a site and the erection of a public building thereon at Wichita Falls, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. MADDEN: A bill (H. R. 10704) authorizing the city of Chicago to bring condemnation proceedings against the United States for the purpose of acquiring certain land; to the Committee on Public Buildings and Grounds.

By Mr. CHINDBLOM: A bill (H. R. 10705) to authorize the Secretary of War to grant a perpetual easement for railroad right of way and a right of way for a public highway over, and upon a portion of the military reservation of Fort Sheridan, in the State of Illinois; to the Committee on Military Affairs.

By Mr. ROGERS: A bill (H. R. 10706) to liberalize the provisions of an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended; to the Committee on Education.

By Mr. LITTLE: A bill (H. R. 10707) to revise and amend the white-slave traffic act and to prevent the spread of venereal disease from State to State; to the Committee on Interstate and Foreign Commerce.

By Mr. HICKEY: A bill (H. R. 10708) for the relief of contractors and subcontractors, including material men, for construction work under the Bureau of Yards and Docks of the Navy Department, and for other purposes; to the Committee on Naval Affairs.

By Mr. LANGLEY: A bill (H. R. 10709) to provide a commission to secure plans and design for an arch to be erected in the city of Washington, D. C., to be known as "a national world war arch of triumph and museum," to commemorate the heroes from all the States, Territories, and possessions of the Union in the World War, the events of the great war, and the freedom of the world; to the Committee on the Library.

By Mr. VESTAL: A bill (H. R. 10710) to promote Americanization by providing for cooperation with the several States in the education of non-English-speaking persons and the assimilation of foreign-born residents, and for other purposes; to the Committee on Education.

By Mr. TAYLOR of Tennessee: A bill (H. R. 10711) to provide for the erection of a public building at Knoxville, Knox County, Tenn.; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 10712) granting an increase of pension to Benjamin F. Ford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10713) granting an increase of pension to David E. Mosholder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10714) granting an increase of pension to Rollin K. Willis; to the Committee on Invalid Pensions.

By Mr. CHINDBLOM: A bill (H. R. 10715) granting a pension to Arthur A. Haussner; to the Committee on Pensions.

Also, a bill (H. R. 10716) granting a pension to Lena Derl; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10717) granting an increase of pension to Edwin P. Hultz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10718) granting a pension to Corwin W. Holibaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10719) for the relief of Frank C. Emmes; to the Committee on Claims.

Also, a bill (H. R. 10720) granting a pension to Ray H. Schumaker; to the Committee on Pensions.

Also, a bill (H. R. 10721) granting a pension to Robert Leigh Morris; to the Committee on Pensions.

By Mr. ELLSWORTH: A bill (H. R. 10722) granting an increase of pension to Daniel Moffitt; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 10723) granting a pension to John E. Broyles; to the Committee on Pensions.

By Mr. FULLER of Massachusetts: A bill (H. R. 10724) granting a pension to Eugene P. Williams; to the Committee on Pensions.

By Mr. GREENE of Vermont: A bill (H. R. 10725) for the relief of Mary McBride; to the Committee on Claims.

By Mr. KELLEY of Michigan: A bill (H. R. 10726) for the relief of John H. Cowley; to the Committee on Military Affairs.

By Mr. LINTHICUM: A bill (H. R. 10727) for the relief of J. Henry Miller (Inc.); to the Committee on Naval Affairs.

By Mr. PURNELL: A bill (H. R. 10728) granting a pension to Albert Murray; to the Committee on Pensions.

Also, a bill (H. R. 10729) granting a pension to Bessie Walsh; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 10730) for the relief of Anna W. Newman, widow of Edward Newman; to the Committee on Claims.

By Mr. SANDERS of New York: A bill (H. R. 10731) for the relief of James Scroggs; to the Committee on Military Affairs.

By Mr. SHERWOOD: A bill (H. R. 10732) granting an increase of pension to Samuel Adare; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 10733) granting a pension to Maratha Hill; to the Committee on Invalid Pensions.

By Mr. TREADWAY: A bill (H. R. 10734) granting a pension to Henry Horton; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 10735) granting a pension to Ann C. Bannon; to the Committee on Pensions.

By Mr. MURPHY: Resolution (H. Res. 395) providing additional compensation for Thomas M. Holt and James Kenah, majority and minority messengers in charge of telephones; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CURRY of California: Resolution of the California Woolgrowers' Association, adopted November 7, 1919, protesting against the enactment of the Kenyon and Kendrick bills designed to regulate the packing industry in the United States; to the Committee on Interstate and Foreign Commerce.

Also, petition of La Junta Parlor No. 203, Native Daughters of the Golden West, of St. Helena, Calif., favoring restriction of oriental immigration to the United States; to the Committee on Immigration and Naturalization.

By Mr. ESCH: Petition of the grand lodge of Benevolent and Protective Order of Elks of the United States of America for the enlargement of Yellowstone Park; to the Committee on Agriculture.

By Mr. FOCHT: Evidence in support of House bill 6699, granting a pension to Mary A. Watts; to the Committee on Invalid Pensions.

By Mr. JOHNSTON of New York: Petition of Brotherhood of Locomotive Engineers of Albany, N. Y., favoring two years' extension of Government control of railroads; to the Committee on Interstate and Foreign Commerce.

Also, petition of Detective Endowment Association favoring the passage of House bill 6577 and House bill 6659; to the Committee on Expenditures in the Treasury Department.

By Mr. KENNEDY of Rhode Island: Petition of Veterans of Foreign Wars and citizens of the State of Rhode Island urging passage of the soldier-bonus bill introduced by Congressman ROYAL C. JOHNSON; to the Committee on Ways and Means.

By Mr. LONERGAN: Resolutions of the Connecticut Vegetable Growers' Association against any program of reduced hours and less production, and for the discarding of daylight saving from the legislative program of America; to the Committee on Interstate and Foreign Commerce.

Also, petition of Elias Howe, jr., Post, Grand Army of the Republic, Bridgeport, Conn., for increase in pensions for Civil War veterans; to the Committee on Invalid Pensions.

By Mr. MANN of Illinois: Petition of Mrs. Edith G. Smith and 555 other legal voters and residents of the State of Illinois, favoring the repeal of luxury tax on ladies' corsets of the value of \$15 or under; to the Committee on Ways and Means.

By Mr. NOLAN: Petition of the California Civic League, at San Francisco, Calif., favoring the passage of House bill 2492 introduced by Representative Raker; to the Committee on Military Affairs.

Also, petition of Fruitvale Parlor and Eldorado Parlor, Native Sons of the Golden West, favoring restriction of oriental immigration; to the Committee on Immigration and Naturalization.

By Mr. O'CONNELL: Petition of Turlock Board of Trade, regarding the Japanese population in California; to the Committee on Immigration and Naturalization.

Also, petition of New York State legislative board, Brotherhood of Locomotive Engineers, urging the support of the bill known as the two-year extension Government control bill, recently introduced in Congress; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: Letter and statement from the Public Chauffeurs' Association of the District of Columbia, setting forth their grievances and asking that they be righted; to the Committee on the District of Columbia.

Also, petition of the Grand Lodge of the Benevolent and Protective Order of Elks of the United States of America, endorsing House bill 1412 and urging protection for the remaining elks; to the Committee on Agriculture.

Also, petition of Sequoia Parlor, No. 160, Native Daughters of the Golden West, of Mokelumne Hill, Calif., and the Plymouth Parlor, No. 48, Native Sons of the Golden West, of Plymouth, Calif., relative to the Japanese immigration question; to the Committee on Immigration and Naturalization.

Also, letters of Miss Alice Butler, Mrs. H. E. De Hart, Mrs. H. B. Tilghman, J. M. Brown, John H. Butler, and Mrs. W. A. Butler, of Oakland, Calif., urging congressional investigation of the race riots and lynchings in the United States; to the Committee on the Judiciary.

By Mr. REED of West Virginia: Petition of Mrs. A. E. Clark, Mrs. J. H. Sharps, M. A. Kirkpatrick, and 15 other citizens of Buckhannon, W. Va., protesting against appropriation to investigate the influenza epidemic; to the Committee on Appropriations.

By Mr. ROWAN: Petition of Detectives' Endowment Association, of New York, favoring the passage of House bills 6577 and 6659; to the Committee on Expenditures in the Treasury Department.

Also, petition of Kaye & Maron, of New York, favoring the passage of Senate bill 3170 and House bill 9778; to the Committee on Interstate and Foreign Commerce.

Also, petition of Brotherhood of Locomotive Engineers, of Albany, N. Y., favoring two years' extension of Government control of railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. SANDERS of New York: Petition of the Rochester Engineering Society, favoring the creation of a national department of public works as proposed by the Jones-Reavis bill, Senate bill 2232, and House bill 6649; to the Committee on Expenditures in the Interior Department.

By Mr. SINCLAIR: Petition of Mouse River Lodge, No. 683, Brotherhood of Locomotive Firemen and Enginemen, of Minot, N. Dak., protesting against the Cummins railroad bill as being unfair to the public and to railroad employees' rights as American citizens; to the Committee on Interstate and Foreign Commerce.

By Mr. STINESS: Petition of over 1,045 veterans of the World War, residing in the State of Rhode Island, indorsing House bill 7923, introduced by Hon. ROYAL C. JOHNSON, of South Dakota, and providing for additional pay according to length of service for officers and enlisted men of the Army, Navy, and Marine Corps; to the Committee on Ways and Means.

By Mr. YOUNG of North Dakota: Resolution of Grand Forks (N. Dak.), Commercial Club indorsing the purposes of the Great Lakes Tidewater Association; to the Committee on Rivers and Harbors.

